

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 2 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

JAN 2 1974

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 2, 1974

By:

*Diane B. Swanson*

Director

(Title)

**FILED**

in the office of the Secretary of State  
of the State of California

JAN 2 - 1974

At 4:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By *Maryse R. Hershberger*

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adopt: Division 46, Sections 46-326  
 46-335  
 46-410  
 46-412  
 46-414  
 46-416

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The following facts constitute the emergency:

1. Congress, by enacting PL 92-603, has repealed titles I, X, and XIV of the Social Security Act and has amended Title XVI to provide for a supplemental security income program for the aged, blind, and disabled, effective January 1, 1974.
2. Chapter 1216, Statutes of 1973, repealed several sections of the Welfare and Institutions Code to eliminate the Old Age Security, Aid to the Blind, and Aid to the Needy Disabled programs. Sections were added to the Welfare and Institutions Code to create the state supplementary program for the aged, blind, and disabled in accordance with the provisions of Title XVI of the Social Security Act as amended by PL 92-603 and PL 93-66. An additional provision was added to the Welfare and Institutions Code to permit federal administration of the state supplementary program.
3. An agreement has been entered into with the federal government effective December 5, 1973, pursuant to the Welfare and Institutions Code to provide for federal administration of the State Supplementary Payment Program.
4. In order to implement the State Supplementary Payment Program, including the authorization for federal administration January 1, 1974, the Legislature included an urgency clause requiring the Act to take immediate effect.
5. In order to implement the state legislation in a timely manner, to be consistent with legislative intent, and to give effect to the agreement authorizing federal administration of the State Supplementary Program, it is necessary to adopt these regulations on an emergency basis.

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## CONTINUATION SHEET

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The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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46-326 ALLOWANCE FOR RESTAURANT MEALS

46-326

The aged or disabled recipient individual or couple, both of whom are aged or disabled, whose living arrangement prevents the preparation of meals at home shall be entitled to an allowance of \$25 for an individual or \$50 for a couple in addition to any other payments for which he or they are eligible.

The county welfare department will be responsible for certification of the living arrangement. The criteria shall be availability and adequacy of cooking and food storage facilities for preparation of all meals as distinguished from makeshift facilities, such as a hotplate, with which only a limited or light meal can be prepared.

**.1 Certification**

Certification will be made on Form SSA 1620 CI and forwarded to the local SSA office at the following times:

- .11 Upon application for the allowance; and
- .12 When the living arrangement changes.

**.2 Recertifications**

Counties shall maintain controls on all restaurant meal certifications, and recertify no less than once a year.

**.3 Verification of Living Arrangement**

- .31 If the situation is known to the county, no inspection of the recipient's cooking and storage facilities is necessary. The

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46-326 ALLOWANCE FOR RESTAURANT MEALS (Continued)

46-326

recipient individual's or couple's need for the allowance may be verified at the county welfare department.

- .32 If the situation is not known to the county, or if there is doubt, a home visit must be made to certify the need for the meal allowance.

46-335 EMERGENCY LOANS

46-335

The Welfare & Institutions Code provides for county issuance of emergency loans to recipients of state supplementary payments whose regular monthly SSP payment is not available to them due to loss, theft, or delay of more than five days beyond the date the check should have been received by the recipient.

.1 Eligibility for Loans

A recipient of state supplementary payments who is without his SSI/SSP entitlement due to loss, theft or delay shall be eligible to receive an emergency loan if:

- (a) such recipient either received or was eligible to receive a regular supplementary payment for the month immediately preceding the month of application for a loan; and
- (b) a replacement of the recipient's regular monthly check has not been received within four days of the date such fact was reported to the Social Security Administration.

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46-335 EMERGENCY LOANS (Continued)

46-335

**.11 Special Eligibility for January 1974**

Recipients who for the month of December 1973 were cash grant recipients under the OAS, ATD, or AB programs and were converted or eligible to be converted to the Federal Supplemental Security Income Program shall be eligible for emergency loans for the month of January 1974, providing such recipients meet the other requirements of this section.

**.2 Referral of Recipients for Emergency Loans**

**.21 Recipient Contacts Social Security Office**

When a recipient directly contacts the Social Security district office and informs such office of the theft, loss or nonreceipt of his state supplementary payment, the Social Security Office will complete Form SSP-2 (Emergency Payment Referral) and will provide such information on this form as is needed by the county to determine eligibility for and the amount of the emergency loan.

Completed Form SSP-2 will then be taken by the recipient to the county welfare department for evaluation and payment to eligible recipients.

**.22 Recipient Contacts the County Welfare Department**

If a recipient initially contacts the county welfare department regarding loss, theft or nonreceipt of his state supplementary payment, he shall be referred to the appropriate Social Security

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46-335 EMERGENCY LOANS (Continued)

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district office. The district office will then follow the procedure provided under .21 above.

.3 Determination of Loan Amount

- .31 The amount of the loan shall be an amount up to the amount of the recipient's SSI/SSP benefit received for the month immediately preceding the month in which application for an emergency loan is made.
- .32 Under no circumstances shall the amount of the loan exceed \$200.
- .33 The amount of the loan determined under .31 shall be reduced by the amount of any Federal emergency payment as indicated on the SSP-2.
- .34 In determining the amount of a loan made to a recipient who is a member of a recipient couple under the SSI/SSP program, the benefit amount to be used shall be one-half of the SSI/SSP benefit provided for such recipient and his recipient spouse.
- .35 For the month of January 1974, an otherwise eligible recipient who was a recipient of OAS, ATD, or AB for the month of December 1973 shall receive a loan up to the amount of his December 1973 grant less any emergency payment received from the Social Security Administration. In no event shall the amount of the loan plus the amount of any Federal emergency payment exceed \$200.

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46-335 EMERGENCY LOANS (Continued)

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**.4 County Issuance of Emergency Loans and Loan Agreement**

**.41 Recipient Responsibility**

.411 Prior to county issuance of an emergency loan, the recipient shall complete Form SSP-3 (Affidavit) attesting under penalty of perjury to the following:

- (a) that such recipient's SSI/SSP warrant was either not received, lost, or stolen; and
- (b) the date such recipient informed the Social Security Administration of such fact.

.412 The recipient shall sign Form SSP-3 indicating his obligation to repay the county under the terms of the agreement by such date as indicated in the agreement.

.413 If the recipient is a member of a recipient couple and both members of such couple are applying for an emergency loan, each recipient shall complete Form SSP-3 as required under .411 and .412 above.

**.42 County Responsibility**

The county is responsible for explaining to the recipient the terms of the loan agreement and his obligation to repay the county under the agreement.

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46-335 EMERGENCY LOANS (Continued)

46-335

**.43 Effective Dates of Loan Issuance and Collection**

.431 The effective date of the loan issuance shall be immediately upon receipt by the county of Form SSP-2 from the recipient, but not earlier than the fourth day following the date the recipient reported loss, theft or nonreceipt of his warrant to the Social Security office.

.432 The effective date of the repayment of the emergency loan shall be the date agreed upon by the county and the recipient or five days after the recipient has received the SSI/SSP replacement warrant, whichever is earlier.

**.5 County Action on Defaulted Loans**

When a recipient fails to repay a loan by the date agreed upon in the loan agreement, the county shall undertake appropriate efforts to obtain collection of the amount owed, including legal action by the District Attorney or other appropriate county officer. Legal action shall include the filing of a civil complaint.

**.6 State Reimbursement for Uncollected Loans**

.61 If, after the county has taken legal action to enforce repayment of defaulted loans, the county is not able to obtain repayment, the State shall reimburse the county in an amount equal to the amount of such emergency loan. Reimbursement shall be made in accordance with procedures established in the Fiscal Manual. Reimbursement shall not occur until 30 days have elapsed since the date of taking legal action.

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46-335 EMERGENCY LOANS (Continued)

46-335

**.7 State Responsibility for Administrative Costs**

.71 The State shall reimburse the county for the costs of administering the Emergency Loan Program. Counties shall submit a claim for reimbursement of such costs as provided in the Fiscal Manual.

**.8 County Repayment of State Reimbursements**

.81 If the county receives state reimbursement for an uncollected loan and subsequently obtains repayment from the recipient, the amount of the state reimbursement shall be remitted to the state.

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**CONTINUATION SHEET  
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46-410      RECOVERIES FROM RESPONSIBLE RELATIVES OF AGED RECIPIENTS      46-410

This chapter shall apply only to the responsible relatives of SSP recipients who are eligible for assistance on the basis of age.

Contributions from responsible relatives for the support of SSP recipients must be remitted to the county welfare department. The contributions are considered to be recoveries on cash grants paid to SSP recipients and do not affect determination of eligibility or the amount of the grant. In each month when a responsible relative makes his full contribution on a current basis, the county shall pay to the SSP recipient against whose grant the contribution is made an amount not to exceed \$20.00. This payment should be reduced to the extent that an income exemption is allowed.

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Contributions paid directly to SSP recipients do not discharge the responsible relative from his support obligation (except in-kind contributions, see Section 46-414.4). However, contributions actually received by an applicant or recipient must be reported to the Social Security Administration as income and shall be considered in the determination of eligibility and the amount of the grant.

Failure of the responsible relative to cooperate in providing the information necessary to determine his liability or failure of the relative to meet his liability as fixed by the county are bases for a report by the county to the district attorney or other civil legal officer for appropriate action.

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46-412 RESPONSIBLE RELATIVES - DEFINITIONS

46-412

.1 Responsible Relative

A responsible relative is one who is legally liable to provide financial support or to contribute to the support of another person because of his relationship through a blood tie or as a result of marriage, or adoption. A relative who is a recipient of public assistance is not held liable to contribute from his grant of aid to the support of another person or family.

Responsible relatives include the adult children living within this state of an applicant or recipient who is eligible for SSP. Adult children, as used herein, refers to the adult children of such applicants or recipients, including emancipated minor children, i.e., children for whom the parent has voluntarily relinquished parental control.

.2 Dependent

A dependent of an adult child of an applicant or recipient is a person other than the applicant or recipient who meets all of the following requirements:

- a. Is related to the adult child by blood, marriage or adoption;
- b. Has income insufficient to meet his needs; and
- c. Is receiving his major support (in or out of the home) from the adult child.

For the purposes of determining liability under the Relatives' Contribution Scale, a dependent also includes the adult child himself.

Interpretation - A person with income of \$100 a month or more would not generally be considered a dependent. However, if the needs of such person exceed his income because of factors such as medical care, higher education costs, etc.,

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46-412 RESPONSIBLE RELATIVES - DEFINITIONS (Continued)

46-412

and as a result he in fact received major support from the adult child  
he would be considered a dependent.

.3 Gross Income (Adult Child)

Gross income is the income otherwise available before any payments or deductions for taxes, insurance, retirement contributions, expenses incident to operation of a business, etc.

.4 Net Income (Adult Child)

.41 Salary or Wages

Net income from salary or wages derived from employment by others is gross income less a flat allowance for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms. The flat allowance is 25 percent for responsible relatives under 60 years old, and 50 percent for those 60 years old or older.

.42 Income from Sources Other than Salary or Wages Specified in .41 Above

Net income is gross income less the following:

- a. Deductible expenses permitted in the determination of net income for purposes of California State Income Tax;
- b. Principal payments, to the extent such payments are necessary to the operation of the business or enterprise or are required to

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46-412 RESPONSIBLE RELATIVES - DEFINITIONS (Continued)

46-412

maintain and preserve the capital investment of the relative. (Principal payments are not included on indebtedness incurred subsequent to the initial determination of liability if such indebtedness was to expand a business or to otherwise increase property holdings. However, exception to this general rule is made if the incurring of such indebtedness was necessary to preserve and maintain the investment the relative already had in the business or property.);

- c. Twenty-five percent, or 50 percent for a responsible relative 60 years old or older, of the balance (the remainder after allowable expenses under a. and b. have been deducted) for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

46-414 RESPONSIBILITY OF ADULT CHILD

46-414

The maximum liability of an adult child shall be determined under the Relatives' Contribution Scale (see .31 below) which gives consideration to the child's net income and the number of his dependents.

.1 Income Included in Determining Liability

Income included depends on the marital status of the adult child as set forth below. (Income of the spouse of the adult child is never included

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46-414      RESPONSIBILITY OF ADULT CHILD (Continued)

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in determining such child's liability but is evaluated in determining dependency of the spouse and the couple's children (see .2 below.).

.11 Married Son

His total income for purposes of liability determination is the sum of:

- a. His total net income from his own earnings; plus
- b. His total net separate income from any source (property, pensions, etc.); plus
- c. The couple's total net community income excluding earnings of his spouse.

.12 Married Daughter

Her total income for purposes of liability determination is the sum of:

- a. Her total net income from her own earnings; plus
- b. Her total net separate income from any source (property, pensions, etc.).

.13 Single, Divorced, Widowed or Separated Adult Child (Son or Daughter)

Income for purposes of liability determination is the total net income of such child from all sources.

.2 Dependents Claimed

(See Section 46-412.2 for definition of a dependent.) Only one person can claim any given person as a dependent. When the adult child

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46-414      RESPONSIBILITY OF ADULT CHILD (Continued)

46-414

and his spouse each has income which is pooled for family support, their dependents are apportioned as nearly as possible in accord with the ratio of each spouse's income to the total family income.

.3    Degree of Liability

The county shall determine the net income of the adult child as provided in .1 above, and the number of his dependents and shall then fix maximum liability in the amount prescribed by the Relatives' Contribution Scale, unless such liability is modified as permitted by Section 46-414.6.

.31    Relatives' Contribution Scale

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Welfare and Institutions Code Section 12351 provides for contributions based on net income. Columns A and B are included for convenience in converting gross income to net income when the income of the adult child includes only his salary or wages. If the adult child's income includes income from property, self-employment, business, etc., his total net income must be determined under the appropriate provisions in Section 46-412.4. Net income so determined is then used, in Column C, in determining his maximum liability under Column D of the scale.

When the net monthly income of the adult child exceeds \$1,150, add \$5 to the appropriate subcolumn of Column D for each additional increment of \$25 in the adult child's net monthly income.

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46-414 RESPONSIBILITY OF ADULT CHILD (Continued)

46-414

## RELATIVES' CONTRIBUTION SCALE

A	B	C	D
If relative is 60 years old or older and gross monthly income is:	If relative is under 60 years old and gross monthly income is:	Then net monthly income is:	Maximum required monthly contribution if number of persons dependent upon income is:
\$ 0. - 801.99	\$ 0. - 534.66	\$ 400 or under	1 2 3 4 5 6 or More
802.00 - 901.99	534.67 - 601.33	401 - 450	5 0 0 0 0 0
902.00 - 1,001.99	601.34 - 667.99	451 - 500	10 0 0 0 0 0
1,002.00 - 1,101.99	668.00 - 734.66	501 - 550	15 0 0 0 0 0
1,102.00 - 1,201.99	734.67 - 801.33	551 - 600	20 0 0 0 0 0
1,202.00 - 1,301.99	801.34 - 867.99	601 - 650	25 5 0 0 0 0
1,302.00 - 1,401.99	868.00 - 934.66	651 - 700	30 10 0 0 0 0
1,402.00 - 1,501.99	934.67 - 1,001.33	701 - 750	35 15 0 0 0 0
1,502.00 - 1,601.99	1,001.34 - 1,067.99	751 - 800	40 20 0 0 0 0
1,602.00 - 1,701.99	1,068.00 - 1,134.66	801 - 850	45 25 5 0 0 0
1,702.00 - 1,801.99	1,134.67 - 1,201.33	851 - 900	50 30 10 0 0 0
1,802.00 - 1,901.99	1,201.34 - 1,267.99	901 - 950	55 35 15 0 0 0
1,902.00 - 2,001.99	1,268.00 - 1,334.66	951 - 1,000	60 40 20 0 0 0
2,002.00 - 2,051.99	1,334.67 - 1,367.99	1,001 - 1,025	65 45 25 5 0 0
2,052.00 - 2,101.99	1,368.00 - 1,401.33	1,026 - 1,050	70 50 30 10 0 0
2,102.00 - 2,151.99	1,401.34 - 1,434.66	1,051 - 1,075	75 55 35 15 0 0
2,152.00 - 2,201.99	1,434.67 - 1,467.99	1,076 - 1,100	80 60 40 20 0 0
2,202.00 - 2,251.99	1,468.00 - 1,501.33	1,101 - 1,125	85 65 45 25 5 0
2,252.00 - 2,301.99	1,501.34 - 1,534.66	1,126 - 1,150	90 70 50 30 10 0

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46-414      RESPONSIBILITY OF ADULT CHILD (Continued)

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.32 Child Freed of Responsibility for Support of Parent

An adult child who has been freed of responsibility for support of a parent under the provisions of Civil Code 206.5 or 206.7 has no liability under the Relatives' Contribution Scale regardless of his income. He is also freed from any liability previously established but not yet paid at the time of the court order freeing him from responsibility.

.33 Special Factors Which Neither Increase Nor Decrease Liability of Adult Child

.331 Applicant or Recipient Receives Medical Care

Liability of an adult child shall not be increased as a result of medical care provided to his parent(s) under the Medi-Cal program.

.332 Adult Child Has Two Living Parents

The total liability of an adult child with two living parents is the same as it would be for one.

.333 Adult Child Living in Home of Parent

Liability of the adult child is not altered by his payment of room and board to a parent.

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46-414      RESPONSIBILITY ADULT CHILD (Continued)

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.4    Evaluation of Contributions In Kind by an Adult Child

An adult child may meet his liability in full or in part by a cash contribution, a contribution in kind, or a combination of both. The following rules determine the extent, if any, to which liability can be met by a contribution in kind.

.41    Contribution of an Item in the Standard of Assistance

Such contribution shall be valued at the actual cost to the relative.

.42    Contribution of Item Outside Standard of Assistance

Such contribution does not serve to modify or to meet any portion of the relative's legal liability.

.5    Remittance of Contributions

The responsible relative must remit monthly to the county welfare department the amount prescribed in Section 46-414.31 (or such lesser amount prescribed in .6 below), less the value of any in-kind contributions described in Section 46-414.4.

.51    Contributions in excess of the amount required in Section 46-414.31 may be remitted directly to the applicant or recipient, in which case the applicant or recipient must report such contributions to the Social Security Administration as income.

.6    Modification of Liability

.61    One Adult Child - When the monthly liability of an adult child of an

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- 46-414      RESPONSIBILITY ADULT CHILD (Continued)      46-414
- SSP recipient or applicant exceeds the amount of the SSP grant, the liability will be reduced to the amount of the SSP grant.
- .62 More Than One Adult Child - When an Aged applicant or recipient has more than one adult child with a responsible relative liability and the sum of the liabilities of such adult children exceeds the amount of the SSP payment, the liabilities of such adult children shall be determined by dividing the amount of the SSP payment by the number of adult children of the parent. The amount arrived at in this manner, with respect to any of the adult children's separate shares, shall not exceed the adult child's liability as determined by the Relatives' Contribution Scale (see .31), or the amount of the SSP grant payment. The proportionate share of any one of such adult children shall not be subsequently increased upon the failure of any of the recipient's other adult children with a responsible relative liability to pay the remaining pro rata share.
- .7 Disposition of Contributions in Excess of the Amount of the Cash Grant
- Any excess contributions which are received by the county shall be applied first to past months unpaid liability beginning with January 1, 1974. Any remainder shall be held for application to the liability for the next month, and any amount then remaining may be held to be applied toward the liability for future months or refunded to the contributors at the discretion of the county. If such excess amount is received from more than one adult child, the excess shall be returned or credited according to the proportionate shares contributed.

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46-414      RESPONSIBILITY ADULT CHILD (Continued)

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If aid is terminated, the county shall return to the contributing adult child(ren) any such remaining contributions held by the county.

46-416      PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN      46-416  
ADULT CHILD

.1    New Applications

.11    Determination of Nonliability by Interview

Nonliability of an adult child may be determined on the basis of information obtained through interview with the adult child or through interview with the applicant if the applicant is able to provide all the needed information.

Pertinent facts regarding the adult child to be obtained in an interview include:

- a. His marital status and approximate age.
- b. His current employment and net income.
- c. The stability of his employment.
- d. Other sources and amounts of net income.
- e. Income of his spouse.
- f. Number of his dependents.

.111    Interview Supports Adequately a Determination of Nonliability

The basis for such conclusion shall be recorded in full in the record.

In the absence of conflicting evidence, no further investigation of the relative's liability shall be made.

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46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN ADULT CHILD (Continued) 46-416

.112 Interview Does Not Support Adequately a Determination of Nonliability

Form AG 225 shall be completed by the adult child as provided in Section .12 and .13 below.

.12 Use of Form AG 225, Statement of Responsible Relative - General

Actual liability of an adult child to support or to contribute to the support of an applicant or recipient shall be determined wherever possible, on the basis of such child's written declaration giving detailed information concerning his income, deductible expenses, if any, dependents, etc. Accordingly, Form AG 225 shall be sent to each child where probable liability is indicated from information obtained through interview or when the information so obtained does not support adequately a determination of nonliability.

.13 County Action on Form AG 225

The completed Form AG 225 shall be reviewed for completeness, accuracy and consistency with any other information the county has concerning the adult child's circumstances. Liability or nonliability shall be determined by the county as set forth below.

.131 Substantial Evidence Indicates that Information on Form AG 225 is Inaccurate or Incomplete

The county shall make whatever further investigation is

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46-416      PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN      46-416  
ADULT CHILD (Continued)

indicated before determining liability or nonliability. However, the relative shall always be notified before an inquiry is directed to his employer. (W&IC Section 12350.)

.132 Completed Form AG 225 and Any Supplemental Information Indicate Nonliability

A determination of nonliability shall be made and recorded.

.133 Completed Form AG 225 and Any Supplemental Information Indicate Liability

Liability shall be fixed by the county at the amount prescribed by the scale, or a lesser amount determined in Section 46-414.6, and the adult child shall be notified as provided in Section .14 below.

.14 Notification

The relative shall be notified of the amount of his liability by means of Form AG 246 or an equivalent substitute form.

.141 Effective Date

The effective date of the liability shall be the first day of the month in which the relative is notified of the amount of his liability unless the relative willfully and without good cause delayed in providing requested information essential to

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN 46-416  
ADULT CHILD (Continued)

the determination of his liability. In such case, any liability subsequently fixed or increased shall be effective in the month following that in which the information was requested.

.142 Unliquidated Obligations

Any unliquidated responsible relative obligation for past months that exists on January 1, 1974, shall be considered canceled, providing that the adult child with the obligation meets his obligation for January 1974 and continues to meet his obligation thereafter. If the responsible relative fails to meet his obligation in January 1974 or anytime thereafter, the obligation for months before January that had been considered canceled will become an obligation again at the time when the adult child fails to meet his obligation.

,15 County Action When Form AG 225 Not Returned

The county shall send a follow-up request for the completed form

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN ADULT CHILD (Continued) 46-416

within 30 days after the initial mailing (or otherwise giving) of the form to the adult child.

.151 Completed Form AG 225 Submitted as a Result of the Follow-up

County action in evaluating the form and determining liability or nonliability shall be the same as that provided in Section .13 above.

.152 Completed Form AG 225 Still Not Submitted

If within 30 days after the follow-up request the adult child still has failed to return the completed form, efforts should be made to determine through independent investigation what liability, if any, the adult child has. Such independent investigation may be made only after the adult child has been notified of the proposed investigation and that it may include checks with the credit bureau, his employer, etc.

If sufficient evidence is secured through independent investigation the county shall, on the basis thereof, determine and fix liability or nonliability of the adult child, record the basis thereof and notify the child of any fixed liability.

.2 Reinvestigations

Liability or nonliability of each adult child shall be redetermined promptly in accord with the procedures set forth in .1 above when one or more of the

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-416      PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN      46-416  
ADULT CHILD (Continued)

following conditions exist:

- a. Evidence is obtained which raises doubt as to the validity of the existing finding of liability or nonliability;
- b. Two years have elapsed since the last determination was made, or
- c. The adult child requests a redetermination.

.21 The Notification to Adult Child

The adult child shall be notified immediately in the manner prescribed in Section .14 above of any changes in his fixed liability.

.3 Adult Child's Right to Appeal

Any adult child who has been found liable to make a contribution for full or partial support of his parent as provided herein and is dissatisfied with such finding may appeal to the SDSW for modification or elimination of the liability. Such appeal shall be handled in the manner prescribed for fair hearing requests for an applicant or recipient. (See Fair Hearing Procedures Chapter 22-000 of Operations Manual.)

.4 Report to the District Attorney or Other Civil Legal Officer

The county is responsible for asking the district attorney or other civil legal officer to take legal action against a relative as set forth below. Any report or referral of such matter to the legal officer should be accompanied with pertinent information concerning the relative which is known to the county.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-416      PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN      46-416  
ADULT CHILD (Continued)

.41 Adult Child Fails to Complete and Return Form AG 225

Such failure shall be reported to the district attorney or other civil legal officer for appropriate action under W&IC Section 12358 if:

- a. It has not been feasible to determine liability or nonliability through independent investigation, and
- b. The adult child has been informed of the necessity of such report to the legal officer if he fails to cooperate.

.42 Adult Child Fails to Meet His Liability as Fixed by the County

The county of residence of the applicant or recipient shall request the district attorney or other civil legal officer to proceed against such adult child as provided in W&I Code Section 12350, Section 1650 et seq. of the Code of Civil Procedure, and Sections 206 and 248 of the Civil Code. (Note provisions for recovery of attorney fees and court costs.)

.421 The county shall proceed through its appropriate legal officer to reduce the amount owed to a judgment, unless the amount owed is less than \$50.

- a. An abstract of such a judgment shall then be recorded pursuant to Section 674, Code of Civil Procedure, in any county in which either the responsible relative or recipient owns real property.

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**CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

46-416      PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN      46-416  
ADULT CHILD (Continued)

b. In addition, the county shall take all appropriate action pursuant to Section 681 et seq., Code of Civil Procedure, to execute such a judgment.

.422 Nothing above shall be taken to preclude the county from arriving at a reasonable settlement of its claim for contributions with the responsible relative, provided that if the state's interest in the unliquidated amount of the claim exceeds \$500, such a settlement must be approved by the Director, SDSW.

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WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

  
**DAVID B. SWOAP**  
Director of Social Welfare

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

JAN 10 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

JAN 10 1974

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 10, 1974

By:

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

JAN 10 1974

At 1:50 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State  
By Marjorie R. Neuhenger  
Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Adopt: Section 44-111.34

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

AFDC  
APSB

.34 Compensation received by recipients 60 years old, or older, for volunteer services performed under the Retired Senior Volunteer Program, the Foster Grandparents Program or the Older Americans Community Service Program of the National Older Americans Act, is exempt.

The issuance of this regulation is within the limit of funds found in Section 32.5 of the Budget Act of 1973 (Chapter 129). Therefore, this regulation does not mandate a new program nor mandate an increased level of service of an existing program which would result in increased cost to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Social Welfare

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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JAN 16 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

JAN 16 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 15, 1974

By: *David B. Sesay*

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

JAN 16 1974

At 8:45 o'clock A.M.  
 EDMUND G. BROWN Jr., Secretary of State  
 By *Meijice R. Kershberger*  
 Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Adopt: Section 44-267.3

Amend: Section 44-267.4

Renumber:

Section 44-267.4 (from former 44-267.3)

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CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-267 SPECIAL NEED FOR CHILD IN FOSTER CARE (Continued) 44-267

AFDC

.3 For Reimbursement to Foster Parents for Funeral Expenses

When a foster parent or foster parents desire a funeral other than  
as provided by the county the foster parent or foster parents  
shall be reimbursed not to exceed \$650 for the cost of the burial plot and  
funeral expenses for a child receiving foster care at the time of his death,  
to the extent not otherwise reimbursed for costs incurred for such purposes  
under any program in operation on December 31, 1973.

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.4 Exclusions

No amount shall be allowed as special need:

- .41 For items other than those specified in Sections 44-267.1, 44-267.2,  
and 44-267.3 above.
- .42 For any special need item available to the child or prospective  
caretaker without cost.
- .43 For service-connected expenses (see Section 10-305).

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because financing has been provided by Chapter 991, Statutes of 1973 (AB 132).

  
DAVID B. SWOAP  
Director of Social Welfare

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814



January 22, 1974

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code

Sections 41-407.2, 41-407.31, 41-407.33, 41-407.4, 41-407.5, 41-408, 41-430.1, 41-430.31, 41-430.322, 41-440.21, 41-440.22, 41-440.31, and 41-440.53.

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on September 25, 1973, which became effective on September 25, 1973.

State Department of Social Welfare

By David B. Sweap  
DAVID B. SWOAP, Director

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JAN 22 1974

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN 22 1974  
At 4:30 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of State  
By Margie R. Hershberger  
Deputy Secretary of State

## DEPARTMENT OF HEALTH

714 P STREET  
SACRAMENTO, CALIFORNIA 95814



January 22, 1974

## CERTIFICATE OF COMPLIANCE - SECTION 11422.1, Gov. Code

Sections 30-151.1, 30-151.31, 30-151.32, 30-151.5, 30-151.54, 30-151.55, 30-152.24, 30-153.41, 30-153.42, 30-154.17, 30-154.22, 30-155.1, 30-155.2, 30-155.3, 30-155.4, 30-156.1 and 30-157.35.

The State Department of Health hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on September 25, 1973, which became effective on September 25, 1973.

State Department of Health

By Andrew B. Robertson Jr.  
WILLIAM MAYER, M.D.  
Acting Director of Health

Approved By

David B. Swoap  
DAVID B. SWOAP  
Director of Social Welfare

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JAN 22 1974

Office of Administrative Hearings

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN 22 1974  
At 4:30 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of State  
By Margie R. Hershberger  
Deputy Secretary of State

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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JAN 31 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

JAN 31 1974

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: 1-31-74

By: *David B. Swagg*

Director

(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN 31 1974 *m*  
At 4:20 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of State  
By *Margie R. Schubenger*  
Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adopt: Sections 63-302.336  
 63-302.629  
 63-302.829  
 63-302.838

**DO NOT WRITE IN THIS SPACE**

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. PL 93-233 includes provisions which result in food stamp ineligibility for California recipients of Federal Supplementary Security Income (SSI) benefits and State Supplementary Program (SSP) benefits effective February 1, 1974.
2. In order to implement PL 93-233, and federal regulations it is necessary to adopt these regulations on an emergency basis.
3. The regulatory changes set forth above are adopted as emergency measures to become effective February 1, 1974.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

- |  |                                      |        |
|--|--------------------------------------|--------|
| 63-302   | ELIGIBILITY REQUIREMENTS (Continued) | 63-302 |
| <p>.336 A recipient of Federal Supplemental Security Income (SSI) or the State Supplementary Payment Program (SSP) shall not be considered a household member.</p>   |                                      |        |
| 63-302   | ELIGIBILITY REQUIREMENTS (Continued) | 63-302 |
| <p>.629 Resources of recipients of Federal Supplemental Security Income (SSI) or the State Supplementary Payment Program (SSP) residing with a food stamp household.</p>   |                                      |        |
| 63-302   | ELIGIBILITY REQUIREMENTS (Continued) | 63-302 |
| <p>.829 All income of an SSI or SSP recipient.</p>   |                                      |        |
| 63-302   | ELIGIBILITY REQUIREMENTS (Continued) | 63-302 |
| <p>.838 <u>Expenses Paid By SSI or SSP Recipients</u></p> <p>Any payment for an expense normally deductible under 63-302.83 made on behalf of the household by an SSI or SSP recipient shall not be counted as income to the household nor shall the household be allowed a deduction for such expense. If household expenses normally deductible under 63-302.83 are shared among household members <u>and</u> an SSI or SSP recipient, the household shall be allowed a deduction based on that proportion of the expense paid by the household.</p> |                                      |        |

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

These regulations do not impose any state mandated local costs that require reimbursement under Section 2231 of the Revenue and Taxation Code.

  
DAVID B. SWOAP  
Director of Social Welfare

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## DEPARTMENT OF BENEFIT PAYMENTS



February 6, 1974

**FILED**In the office of the Secretary of State  
of the State of CaliforniaFEB 6 - 1974  
At 3:50 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of State  
By Marjorie R. Hershberger  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code

The State Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on October 10, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

State Department of Benefit PaymentsBy David B. Swoap  
DAVID B. SWOAP, Director

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FEB 6 1974

Office of Administrative Hearings

**FACE SHEET**  
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**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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7/10/74

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

FEB 7 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Benefit Payments

(Agency)

Dated: February 7, 1974

By:

*David B. Sneed*

Director

(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California

FEB 7 - 1974  
At 11:50 o'clock a.m.  
EDMUND G. BROWN, Jr., Secretary of State  
By *Margie R. Kershberger*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adopt:	Sections 46-105	46-310	46-425	Chapters 46-100
	46-110	46-315		46-200
	46-205	46-325		46-300
	46-210	46-330		46-400
	46-305	46-340		

Amend:	Sections 46-335.5
	46-335.6
	46-410
	46-414.62
	46-416.141
	46-416.142

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Congress, by enacting PL 92-603, has repealed titles I, X, and XIV of the Social Security Act and has amended Title XVI to provide for a supplemental security income program for the aged, blind, and disabled, effective January 1, 1974.
2. Chapter 1216, Statutes of 1973, repealed several sections of the Welfare and Institutions Code to eliminate the Old Age Security, Aid to the Blind, and Aid to the Needy Disabled programs. Sections were added to the Welfare and Institutions Code to create the state supplementary program for the aged, blind, and disabled in accordance with the provisions of Title XVI of the Social Security Act as amended by PL 92-603 and PL 93-66. An additional provision was added to the Welfare and Institutions Code to permit federal administration of the state supplementary program.
3. An agreement has been entered into with the federal government effective December 5, 1973, pursuant to the Welfare and Institutions Code to provide for federal administration of the State Supplementary Payment Program.
4. In order to implement the State Supplementary Payment Program, including the authorization for federal administration January 1, 1974, the Legislature included an urgency clause requiring the Act to take immediate effect.
5. In order to implement the state legislation in a timely manner, to be consistent with legislative intent, and to give effect to the agreement authorizing federal administration of the State Supplementary Program, it is necessary to adopt these regulations on an emergency basis.

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**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

DIVISION 46 STATE SUPPLEMENTAL PROGRAM

CHAPTER 46-100 GENERAL

46-105 GENERAL STATEMENT

46-105

- .1 The State Supplemental Program (SSP) provides for money payments to certain aged, blind, or disabled California residents.

Pursuant to Chapter 1216 of California Statutes of 1973 and to a contract between the Secretary of HEW and the Department of Social Welfare, the Federal Social Security Administration will determine the eligibility for and amount of entitlement of individuals for Supplemental Security Income (SSI) payments, if any, the eligibility for and amount of entitlement to SSP payments, and deliver the combined amount of the entitlements as a single monthly payment to eligible individuals.

- .2 A recipient of public assistance payments in December 1973, including individuals who applied for aid in December and met all the conditions of eligibility for payment in that month, under either the AB, ATD, or OAS programs will continue to be eligible in January 1974, and thereafter, for the SSP, providing he continues to meet the December, 1973, eligibility requirements.

After December 31, 1973, wherever reference is made to AB, ATD, or OAS in the Department's regulations, that regulation is superseded by Division 46 except to the extent that the regulation applies to AFDC or APSB and except as necessary to determine the continuing eligibility of recipients of public assistance in December 1973 who are continued as eligible recipients beyond December 1973.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-110 RECEPTION AND APPLICATION

46-110

- .1 Recipients of Public Assistance payments under AB, ATD, or OAS in December 1973, including individuals who applied for aid in December and met all the conditions of eligibility for payment in that month, will automatically become recipients of payments under the federally-administered SSI - SSP program. A new application will not be required.
- .2 Other aged, blind, or disabled individuals who did not receive a public assistance payment for December 1973, will be required to make application at a local Federal Social Security Administration Office in order to receive payments after that date.
- .3 Procedures and forms used in determining eligibility and grant amount will be as prescribed by the Social Security Administration.
- .4 In addition, aged, blind or disabled individuals may qualify for additional benefits administered by the local county welfare department. (See Sections 46-210.6, 46-330, and 46-425.)

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

**CHAPTER 46-200 ELIGIBILITY STANDARDS****46-205 ELIGIBILITY - GENERAL**

46-205

An individual shall be eligible for the SSP if he meets the eligibility requirements for receipt of benefits under the Federal SSI Program with the exception of income requirements and the value of a home as provided in Section 46-330. An individual may have nonexempt income in excess of the SSI standard and still be eligible for the SSP provided that his nonexempt income is less than the appropriate SSP standard.

For purposes of eligibility for SSP a child shall mean an individual who is neither married nor the head of a household, and who is under the age of 18, or under the age of 22 and a student regularly attending school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

In addition, whenever reference is made to an eligible spouse, it means an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual and who has not been living apart from such other aged, blind, or disabled individual for more than six months.

Both eligibility for and the amount of benefits shall be determined quarterly, and shall be the responsibility of the Federal Social Security Administration.

**46-210 ELIGIBILITY - FACTORS FOR SSP**

46-210

The major factors for determining eligibility to receive SSP payments are set forth under the Federal Regulations for the SSI, and provide in general as follows:

- .1 Aged - An aged individual is one who is 65 years of age or older.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.2 Blindness - An individual is considered to be blind for purposes of SSP payments if:

.21 He has central visual acuity of 20/200 or less in the better eye with use of a correcting lens. (An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.)

.22 He is blind as defined under the state plan approved under Title X as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously so defined.

.3 Disability - An individual shall be considered to be disabled for the purposes of aid if:

.31 He is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which has lasted or can be expected to last for a continuous period not less than 12 months; or

.32 In the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity; or

.33 He is permanently and totally disabled as defined under a state plan approved under Title XIV as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973, as long as he is continuously disabled as so defined.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)**

**46-210**

There are additional criteria on what constitutes aged, blindness and disabled eligibility. These criteria are outlined in the Federal HEW Regulations and Guidelines.

**.4 Income**

To be eligible for SSP, income after deducting applicable disregards and exclusions in Section 46-315 cannot exceed the appropriate benefit level prescribed in Section 46-325.

**.5 Property**

Each aged, blind, or disabled individual whose eligibility for aid commences on or after January 1, 1974, may have nonexcludable resources not in excess of \$1,500 and be eligible. An individual who is living with either an eligible or ineligible spouse may have nonexcludable resources not in excess of \$2,250 and remain eligible. The \$2,250 includes the resources of such spouse. The resources of a recipient child under age 21, who is living with his parent, parents, or parent and spouse of parent, is deemed to include that portion of the nonexcludable resources of his parent(s) and spouse of parent which exceeds \$1,500 in the case of one parent, or \$2,250 in the case of two parents or parent and spouse. These amounts reflect Federal property regulations to be effective January 1, 1974.

Individuals receiving AB, ATD, or OAS, in December 1973 including individuals who applied for aid in December and met all the conditions of eligibility for payment in that month, will continue to be subject to the property limitations in effect in December 1973. However, if an individual would be advantaged under the new Federal property regulations, his continued eligibility shall be based on the new Federal property regulations summarized herein.

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46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

- .51 In determining the allowable resources of an individual (and spouse if any), the following items are excluded:
- .511 Home to the extent the current market value, without regard to encumbrances, does not exceed \$25,000. Where the market value exceeds \$25,000, without regard to encumbrances, an applicant who would otherwise be eligible for SS1-SSP payments, except for the value of his home, is eligible for payments under Section 46-330;
- .512 Household goods and personal effects to the extent the combined market value, without regard to encumbrances, does not exceed \$1,500. Where the market value, without regard to encumbrances, exceeds \$1,500, the excess will be counted toward the resources limitation;
- .513 An automobile to the extent its current retail market value, without regard to encumbrances, does not exceed \$1,200. Where the market value, without regard to encumbrances, exceeds \$1,200, the excess will be counted toward the resources limitations. However, an automobile will be totally excluded if it is used for employment or for the individual's medical treatment of a specific or regular medical problem. Only one automobile may be excluded in determining the resources of an individual (and spouse, if any);
- .514 Property of a trade or business which is essential to the means of self-support;

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<p><b>46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)</b></p>	<p><b>46-210</b></p>
<p>.515 Nonbusiness property which is essential to the means of self-support;</p>	
<p>.516 Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support;</p>	
<p>.517 Life insurance if the face value does not exceed \$1,500. Where the face value exceeds \$1,500, the entire cash surrender value of the insurance will be counted toward the resources limitation. Term insurance and burial insurance are totally excluded;</p>	
<p>.518 Restricted allotted land owned by an enrolled member of an Indian tribe; and</p>	
<p>.519 Any other resources deemed excludable by the Secretary of Health, Education, and Welfare under the provisions of Title XVI of the Social Security Act.</p>	
<p><b>.52 Disposition of Resources</b></p> <p>In special circumstances, as permitted by Federal HEW regulations, an individual may be eligible for SSP when his property holdings exceed the limits imposed in .5 above, providing he agrees in writing to dispose of the excess property in accordance with HEW regulations (see 20 CFR 416.1240 through 1244).</p> <p>During the period that the excess property is held and is being disposed of, in accordance with the individual's agreement to dispose of the property, any public assistance payments made are considered to be overpayments.</p>	

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46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

The net proceeds from the disposition of the excess property is considered to be available for liquidation of overpayments occurring during the disposition period in accordance with HEW regulations.

The disposition of the excess property must be accomplished within a six-month period in the case of real property and within three months in the case of personal property. The time limits may be extended for another three months where it is found that the individual had "good cause" for failing to dispose of the property within the original time period. "Good Cause" exists if, despite reasonable and diligent effort on his part, he was prevented by circumstances beyond his control from disposing of the property.

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.6 Residency

To be eligible for the SSP an individual must be a U. S. citizen or an alien lawfully admitted for permanent residence or those Cuban refugees eligible for SSI. The individual must also be physically residing in the state and intend to continue residing here.

.61 Responsible County

The county in which the applicant or recipient resides shall be responsible for the administration of emergency loans (Section 46-335), special circumstance payments (Section 46-425), and benefits under Section 46-330 to that recipient or applicant.

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46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.7 Institutional Status

- .71 No person shall be eligible for the SSP in any month if throughout such month he is an inmate of a public institution.
- .72 The state will not include those recipients in the SSP who reside in medical institutions for whom a \$25 SSI benefit is provided because such amount meets their personal and incidental needs. (The fact that such individuals are not included as SSP eligibles will not affect their eligibility for medical and other benefits.)

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## CHAPTER 46-300 AID PAYMENT

## 46-305 INCOME - GENERAL

46-305

Income is the money or other gain periodically received by an individual for labor or service, or from property, investment, operations, etc. Income may be in the form of cash (including checks and money orders), in-kind items, real property, or personal services. When the item of receipt is not in the form of cash, the cash equivalent must be determined.

An individual's or individual and eligible spouse's income includes all of his or their own income in cash or in kind, both earned and unearned.

An individual's income also includes those amounts of income of his ineligible spouse, or if the individual is a child as defined in Section 46-205, of his parent and parent's spouse residing in the same household, deemed to be available as set forth in Section 46-310.27.

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If income after applying the allowable disregards equals or exceeds the SSI nonexempt income limits, no SSI benefits may be paid for that quarter. However, an individual or individual and eligible spouse may have income exceeding these limits and receive an SSP benefit from the Social Security Administration so long as his or their income less allowable exemptions does not equal or exceed the appropriate benefit level set forth in Section 46-325.

## 46-310 INCOME - DEFINITIONS

46-310

.1 Earned Income

.11 Earned income is gross wages; and

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46-310 INCOME - DEFINITIONS (Continued)

46-310

.12 Net earnings from self-employment as defined in the Internal Revenue Code.

.2 Unearned Income

Unearned income means all other available income. In evaluating the amount of unearned income which is available to the individual, consideration will be given to any necessary costs involved in obtaining or securing the income. Unearned income includes, but is not limited to:

.21 Support and maintenance furnished in cash or in kind. However if an individual is determined to be living in the home of another and subject to 46-325.51, the applicable benefit level provided in 46-325 will be reduced in lieu of treating support and maintenance as income;

.22 Any payments received as an annuity, pension, retirement, disability, OASDI, unemployment, veteran's, or workmen's compensation benefit;

.23 Prizes and awards;

.24 Gifts, support and alimony payments, and inheritances;

.25 Rents, dividends, interests, and royalties;

.26 The proceeds of any life insurance policy to the extent that they exceed the amount expended by the beneficiary for purposes of the insured individual's last illness and burial expenses or \$1,500, whichever is less; and

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46-310 INCOME - DEFINITIONS (Continued)

46-310

- .27 Those amounts deemed available to the individual from the income of his ineligible spouse or parent(s) or parent of a recipient child and parent's spouse residing in the same household.
- .271 The amount which is deemed available to the individual from the income of the ineligible spouse is the amount remaining after deducting \$65. If the income of the ineligible spouse includes earned income, such earned income shall be reduced by \$65 prior to deducting the \$65 the ineligible spouse is allowed to retain. However, if the ineligible spouse is a recipient of AFDC, or any part of the ineligible spouse's income is included in determining eligibility and grant amount for AFDC no portion of his income shall be deemed available to the SSP individual.
- .272 The amount which is deemed available to the individual who is a child from the income of his parent(s) or parent and parent's spouse is the amount remaining after deducting \$130 for one parent, \$65 for the other parent or spouse of parent, and \$65 for each dependent ineligible child. If the income of the parent(s) or parent and spouse of parent includes earned income such earned income shall be reduced by \$65 prior to determining the amount of income the parents or parent and spouse of parent is (are) allowed to retain. However, if the income of the parents or parent and parent's spouse is included in determining eligibility and grant for AFDC, no portion of his (their) income shall be deemed available to the SSP individual.

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46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING INCOME

46-315

In determining the eligibility for and amount of the SSP or the CWD-administered benefit payment, certain payments received or portions thereof will not be counted as income to the individual or individual and eligible spouse.

.1 Income Exclusions

The following items will be excluded from consideration as income:

.11 Refunds of Taxes

Refunds of taxes paid on real property or purchased food received from any public agency;

.12 Assistance Based on Need

Assistance based on need, which is furnished by the State or any political jurisdiction thereof in supplementation of benefits;

.13 Grants, Scholarships, Fellowships

Any portion of any grant, scholarship, or fellowships received, used or to be used in paying tuition and fees at any educational institution (including technical or vocational);

.14 Home Produce

The value of agricultural products not raised in connection with trade or business and utilized for consumption by the household. (If the produce is sold, the net earnings realized from the sale of the produce will be considered as earned income if it is net earnings from self-employment);

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46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING  
INCOME (Continued)

46-315

## **.15 Foster Care Payments**

Payments for the foster care of a child who is not an eligible individual but who resides in the same home as such individual and was placed there by a public or nonprofit agency.

#### .16 Support Payment from an Absent Parent

One-third of any payment for support of an eligible individual who is a child as defined in Section 46-205 received from an absent parent.

## .17 Readers and Educational Scholarships for Blind

Funds for readers and educational scholarships, which are not available to meet basic needs and which have been awarded by a high school, institution of higher learning, or a vocational or technical training institution to a recipient due to his blindness while he is regularly attending any public school or any institution of higher learning in this state;

.18 Payments made from any source to a vendor in order to meet the needs of the recipient as determined by the county welfare department.

## .2 Income Disregards

The following disregards shall be applied in the order listed below, first to unearned and then to earned income. Where applicable, they may be applied on a per month rather than per quarter basis.

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46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING  
INCOME (Continued)

46-315

.21 Student Exemption

Up to \$500 per quarter of the earned income of the individual who is a child and a student, plus an additional amount when the expenses of education exceed this amount and the earned income also exceeds it. When the earned income and educational expenses exceed \$500 in a quarter, an additional amount will be disregarded up to:

- (1) The amount of the educational expenses in that quarter; or
- (2) The balance of his earned income in that quarter, whichever is less.

.22 The First \$60 per Quarter

The first \$60 of earned or unearned income per quarter not disregarded above. If the individual or individual and eligible spouse has:

- .221 Only earned income, the disregard will be applied to that income;
- .222 Only unearned income, the disregard will be applied to that income;
- .223 Both types of income, the disregard will first be applied toward the unearned income, and any amount of the disregard remaining will be applied to the earned income.

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46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING  
INCOME (Continued)

46-315

.23 Infrequent or Irregular Income

.231 Unearned Income

Unearned income which does not exceed \$60 per quarter and is received not more than once per quarter or cannot be reasonably anticipated.

.232 Earned Income

Earned income which does not exceed \$30 per quarter and is received not more than once per quarter or cannot be reasonably anticipated.

.24 Earned Income

The first \$195 per quarter of earned income not disregarded above plus one-half of the remainder.

.25 Work Expenses of the Blind

Earned income not disregarded above of an individual who is blind in the amount of ordinary and necessary expenses related to work activity, and only to the extent that they are paid or to be paid.

There are three broad categories of expenses, relating to:

- (1) Transportation to and from work;
- (2) Job performance; and
- (3) Qualifying for promotion.

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46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING  
INCOME (Continued)

46-315

.26 Income Necessary to Achieve Self-Support

Earned or unearned income not disregarded above and received by an individual who is blind or disabled as defined in Sections 46-210.2 and .3 to the extent that such income is needed to implement a plan of self-support as approved by SSA or CWD, whichever is appropriate. It will be necessary to confirm that such a plan exists before application of this exemption.

.27 Income Exclusions for Certain Blind Individuals

For an individual who is blind as determined under the state plan approved under Title X as in effect in October 1972, and who received assistance under such plan in December 1973, an amount equal to the greater of the following:

- (1) The maximum amount of any earned or unearned income which could have been disregarded under the state plan as in effect in October 1972; or
- (2) The amount which would be required to be disregarded under Section 46-315 without application of this subsection.

46-325 BENEFIT LEVELS

46-325

The individual or individual and spouse (couple) eligible to receive SSP payments shall receive an amount which when added to his or their SSI benefit, if any, and income less allowable disregards, if any, will equal the following, as appropriate to his or their situation:

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46-325 BENEFIT LEVELS (Continued)

46-325

**.1 Eligible Individual**      **Benefit Level**

Aged or Disabled	\$235
Blind	265
A Disabled Minor under 18 Living with a Parent or Guardian or Relative by Blood or Marriage	213

**.2 Eligible Couple**      **Benefit Level**

Both of Whom Are	
Aged or Disabled	\$440
One or Both Blind, and the Other	
Blind, Aged or Disabled	500

**.3 Resident of Nonmedical "Out-of-Home Care" Facility**

Board, room, care and supervision provided by the facility	\$250
Personal and incidental needs of the recipient*	<u>33</u>
	<u><u>\$283</u></u>

\*If these needs are provided in whole or in part by the facility under an agreement between the recipient and the facility, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

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46-325 BENEFIT LEVELS (Continued)

46-325

"Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care, and designated supplementary services related to his individual needs.

"Out-of-home care" within the scope of these regulations is nonmedical and includes care provided in:

- a. Facilities licensed to provide residential care,
- b. State certified family care homes,
- c. Homes or other facilities which provide personal care and supervision and which the county has determined substantially meet licensing requirements but are not licensed because, under state law, they are not subject to any licensing requirements.

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The county welfare department is responsible for determining recipients or applicants need for "Out-of-home care" and submitting certification of the need on Form SSA 1620, to the Social Security Administration according to procedures established by the State Department of Social Welfare.

.4 Medi-Cal Patients - Out-of-Home

In the case of an eligible individual who resides in a medical facility and whose medical expenses are paid for under the Medi-Cal Act, the benefit level is \$25 a month to cover personal and incidental needs not furnished by the facility.

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46-325 BENEFIT LEVELS (Continued)

46-325

.5 Exceptions to Benefit Levels

.51 Room and Board is Received In-Kind

When the individual or individual and eligible spouse resides in the home of another and receives both room and board in-kind from the householder, the Benefit Level will be reduced by an amount equal to one-third of the applicable SSI payment standard.

This deduction does not apply when a recipient or applicant is a child (Section 46-205) residing in the home of his parent.

.52 Mandatory Minimum State Supplementation for Recipients of OAS,  
AB, or ATD for December 1973

A recipient of OAS, AB, or ATD for the month of December 1973 shall receive a minimum state supplementary payment which when added to his SSI payment (if any) and nonexempt income as determined pursuant to Chapter 44-100 of the EAS Manual (as in effect for December 1973) is equal to the total of such recipient's cash grant and nonexempt income for the month of December 1973.

If the state supplementary payment determined under this subsection is greater than the amount an individual is eligible to receive under Sections 46-325.1, .2, .3, or .4 he shall receive the amount determined under this subsection.

.521 If the December grant for individuals under this subsection included payment for special needs and subsequent to January 1,

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46-325 BENEFIT LEVELS (Continued)

46-325

1974 those special needs cease to exist, the total of such individuals December grant and nonexempt income may be reduced by the allowance for special needs. If subsequent to January 1, 1974 an individual under this subsection experiences a reduction in need due to a change in living arrangement, the total of his December grant and nonexempt income may be reduced by the amount of the reduction in need determined pursuant to EAS regulations in effect for December 1973.

46-330 AID PAYMENTS FOR INDIVIDUALS WHOSE HOME EXCEEDS FEDERAL RESOURCE LIMITS

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If an otherwise eligible individual or couple owns a home, the value of which exceeds the limits set for SSI eligibility, such individual or couple shall be entitled to receive payments at the same levels as established for an SSI-SSP recipient or recipient couple.

The county welfare department shall be responsible for eligibility determination and grant computation and payment. The amount of the grant is determined by deducting countable income (see Sections 46-305 through 46-315) from the applicable benefit level (Section 46-325).

46-335 EMERGENCY LOANS

46-335

.5 County Action on Defaulted Loans

When a recipient fails to repay a loan by the date agreed upon in the loan agreement, the county shall undertake appropriate efforts to obtain collection of the amount owed, including legal action by the District

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46-335 EMERGENCY LOANS (Continued)

46-335

Attorney or other appropriate county officer. Legal action shall include obtaining a judgment and seeking its enforcement by execution.

.6 State Reimbursement for Uncollected Loans

If, after the county has taken legal action to enforce repayment of defaulted loans, the county is not able to obtain repayment, the State shall reimburse the county in an amount equal to the uncollected amount of such emergency loan. Reimbursement shall be made in accordance with procedures established in the Fiscal Manual but shall not occur unless the county shows that an attempt has been made to collect the judgment by means of a writ of execution and that the loan is uncollected.

46-340 OVERPAYMENTS AND UNDERPAYMENTS

46-340

The Federal Social Security Administration shall establish the procedures and be responsible for collecting any overpayments from and adjusting any underpayments to recipients which might occur under either the SSI or SSP Programs, and make reports to the State Department of Social Welfare.

The county welfare department shall adjust overpayments or underpayments resulting from administration of Sections 46-330 and 46-425 in accordance with the provisions of Sections 44-329 through 44-335 of the EAS Manual.

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**CHAPTER 46-400 AID RECOVERIES AND SPECIAL CIRCUMSTANCES**

**46-410 RECOVERIES FROM RESPONSIBLE RELATIVES OF AGED RECIPIENTS**

**46-410**

This chapter shall apply only to the responsible relatives of SSP recipients who are eligible for assistance on the basis of age.

Contributions from responsible relatives for the support of SSP recipients must be remitted to the county welfare department. The contributions are considered to be unearned income to the recipient, but do not affect determination of eligibility or the amount of the grant because they shall be forwarded to the recipient only in an amount equal to any exemption of income allowed to the extent that such exemption has not already been allowed on the recipient's other income. In each month when a responsible relative makes his full contribution on a current basis, the county shall pay to the SSP recipient against whose grant the contribution is made the amount of the contribution not to exceed \$20.00. This payment shall be further reduced to the extent that an income exemption is allowed.

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Contributions paid directly to SSP recipients do not discharge the responsible relative from his support obligation (except in-kind contributions, see Section 46-414.4). However, contributions actually received by an applicant or recipient must be reported to the Social Security Administration as income and shall be considered in the determination of eligibility and the amount of the grant.

Failure of the responsible relative to cooperate in providing the information necessary to determine his liability or failure of the relative to meet his liability as fixed by the county are bases for a report by the county to the district attorney or other civil legal officer for appropriate action.

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46-414 RESPONSIBILITY ADULT CHILD

46-414

.62 More than one adult child - When an aged applicant or recipient has more than one adult child, the liability of such adult child shall be determined by dividing the amount of the SSP payment by the number of adult children of the parent. The amount arrived at in this manner shall not exceed the adult child's liability as determined by the relative's contribution scale (see .31).

The share of any one of such adult children shall not be subsequently increased upon the failure of any of the recipient's other adult children to pay their share.

46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN  
ADULT CHILD

46-416

**.141 Effective Date**

The effective date of the liability shall be the first day of the month in which the relative is notified of the amount of his liability unless the relative willfully and without good cause delayed in providing requested information essential to the determination of his liability.

In such case, any liability subsequently fixed or increased shall be effective on the first day of the month following that in which the information was requested.

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46-416 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF AN ADULT CHILD (Continued) 46-416

**.142 Unliquidated Obligations**

Unpaid responsible relative obligations existing on December 31, 1973, are canceled, except that an adult child is liable for all his unliquidated responsible relative obligations that existed on December 31, 1973, if he fails to meet a responsible relative obligation that occurs for any month after December 1973.

46-425 SPECIAL CIRCUMSTANCES

46-425

County welfare departments will administer this section including establishment of eligibility and payments of benefits.

Benefits under this section are payable only for expenditures incurred by SSP recipients. County payments made to recipients must be made not later than thirty days after the vendor's bill is presented to the county by the recipient. Bills presented cannot be paid by counties without prior county authorization.

Special circumstances are those circumstances which are not common to all recipients and which arise out of a need for certain goods or services, and physical infirmities or other conditions peculiar on a nonrecurring basis (except in the case of property taxes) to the individual's or couple's situation. There are several categories of special circumstances detailed below.

- .1 Nonrecurring special circumstances which are the result of a catastrophe and which are as follows:

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46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

**.11 Replacement of Essential Household Furniture and Equipment**

Replacement of essential household furniture and equipment owned by a recipient shall be allowed only when loss, damage, or destruction, in the judgment of the county, is due to a catastrophic event such as a fire, flood, or earthquake.

This section shall not be used to replace items which become functionally inoperative due to normal use and wear.

The amount of the allowance to a recipient or eligible couple shall be the actual cost, including sales tax of the replacement item or the maximum amount listed below for each, whichever is less:

- .111 Cook stove - \$142
- .112 Refrigerator - \$190
- .113 Space heater - \$73
- .114 Bed - including mattress - \$143
- .115 Other essential furniture or equipment - \$50

The above schedule does not include smaller items such as bedding, cooking utensils, etc. Allowance for items such as these are included in the recipient's SSP benefit.

**.12 Clothing**

When all or a portion of a recipient's clothing is lost, damaged, or destroyed in a catastrophe, such as fire, flood, etc., the cost of the replacement shall be allowed; the allowance, however, is not to

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46-425. **SPECIAL CIRCUMSTANCES (Continued)**

46-425

exceed a reasonable amount for which needed items can be purchased, or a total amount of \$113 for a recipient, whichever is less.

**.2 Other Nonrecurring Special Circumstances****.21 Required Housing Repairs**

When housing is owned and repairs are necessary to provide safe and healthful housing for a recipient or recipient couple, and the total cost of such repairs exceeds \$10 per dwelling, the cost shall be allowed. The allowance is not to exceed a reasonable amount for which adequate repairs can be made. The total allowance for repairs in any 12-month period shall not exceed \$200 per dwelling. When ownership of the housing is shared with someone else, the recipient's share of the cost of the repairs, up to his share of the \$200 cost limit, is allowed.

**.22 Moving Expenses**

When moving is necessary because of eviction or current housing is unsafe or unhealthful as determined by the county welfare department and no other provision for moving can be made, the cost of packing and moving shall be allowed for the recipient or eligible couple. The amount allowed, however, shall not exceed the lesser of the actual cost of the service, or \$200.

**.23 Unmet Shelter Needs****.231 Recipient(s) Live(s) in Own Home**

When a recipient or recipient couple is eligible to receive an allowance for housing repairs under Section 46-425.21 and the

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46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

nature of the repairs are such that the cost cannot be met within the \$200 standard, an additional payment not to exceed the total cost of the repairs shall be allowed when all the conditions set forth below are met. The maximum combined payment under this subsection and .21 above is \$500.

a. Prior to making any expenditures, the home is evaluated and the following determinations are made by the county:

- (1) The home is so defective that continued occupancy is not safe or is not healthful.
- (2) The property is worth repairing.
- (3) Unless repairs are made the recipient will need to move.
- (4) It appears probable the recipient will be able to continue living in the home following its repair.
- (5) Total cost to the recipient for adequate alternative housing over a two-year period would exceed the following combined costs:
  - (a) The cost of repairs needed to make the home habitable, plus
  - (b) Other probable costs of continued occupancy of such home during a two-year period, i.e., encumbrance payments, taxes, assessments, minor upkeep and insurance.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

- b. Expenditures for repairs under this section have not been previously allowed on the same property.

.232 Recipient(s) Does not Own his Home

When moving is necessary because of eviction or current housing is unsafe or unhealthful as determined by the county welfare department, payment shall be allowed to cover costs of securing suitable housing as designated below.

- a. If the recipient or recipient couple is moving to rental housing, payment under this section shall be limited to:

- (1) required utility deposits;
- (2) first and last month's rental; and
- (3) cleaning fees.

- b. If the recipient or recipient couple is purchasing a home, payment shall be allowed for:

- (1) down payments;
- (2) closing costs;
- (3) real estate fees; and
- (4) other costs entailed in real property or mobile home purchase if:

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

- DO NOT WRITE IN THIS SPACE
- (a) The property is a suitable home for the recipient.
  - (b) Approval can be obtained for a FHA, Veterans Administration, or other governmental or conventional loan.
  - (c) The usual safeguards are observed prior to transfer, i.e., building inspection, property search, termite inspection, etc.
  - (d) The total monthly amount for payments on the principal, interest, taxes and other liens on the property, insurance and minor maintenance, is not substantially in excess of the cost of rental or leased housing that would be available for the recipient.
  - (e) The recipient can qualify as a transferee for the encumbrance on the property or approval of a renegotiated loan as set forth in "b" above.

The combined payments under this section and Section .22 shall not exceed the actual costs or \$500, whichever is less.

**.3 Utilization of Liquid Resources**

- .31 The costs of any special circumstances (except property taxes) shall be met by first requiring the recipient to utilize his available liquid assets.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

"Liquid Assets," as used herein means resources which are immediately available, or can be made immediately available. This includes cash, negotiable stocks and bonds, bank accounts, etc.

.4 Special Need for Property Taxes

Recipients of AB, ATD, or OAS in December 1973 who were receiving a special need allowance for property taxes will continue to receive this allowance as part of their SSI/SSP check.

Recipients who were not receiving a special need allowance for property tax in December 1973 are eligible to receive payment from the county for the property tax allowance computed in the manner set forth in Section 46-425.43 below.

For purposes of this section "recipient" includes an individual recipient. In the case of a married couple, either one of whom would qualify as a recipient, the couple is a recipient.

.41 Criteria for Allowing the Special Need

A special need for property taxes (not including delinquent penalties) shall be allowed for any recipient who:

.411 Owns or is purchasing a home,

.412 Is actually paying property taxes in excess of \$180 in a fiscal year, and

.413 Is 62 years of age or older as of January 1 of the previous fiscal year.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

**.42 Maximum Allowance**

In no case shall a recipient's (including a married couple) special need allowance for property tax exceed \$500 per fiscal year.

**.43 Determining the Amount of Special Need**

The special need for property taxes shall be determined on the basis of the property tax bill for the current fiscal year, if available.

If the current property tax bill is not available, the special need allowance shall be estimated from the preceding year's tax bill on the home currently owned by the recipient. Amounts determined and paid on the basis of the preceding year's tax bill shall be redetermined when the current year tax bill is available and appropriate adjustments will be made in subsequent payments. The special need for property taxes for recipients who meet the criteria in .41 above shall be determined on a monthly basis as follows:

**.431 Determine the property tax cost for the month by dividing the amount of the annual property tax bill by 12.**

**.432 Subtract \$15 from the amount arrived at in .431 and round the remainder to the nearer dollar.**

**.433 The amount determined in .432, but not an amount exceeding \$42, is the amount of the recipient's monthly allowable special need.**

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

.44 Method of Payment

This special need is payable monthly or, at the election of the recipient and his wife in the case of a married couple qualifying as a recipient, or at the election of an individual recipient, can be apportioned for payment in two installments to be paid in the months when property taxes are due.

.441 Recipients shall elect the method of payment at the time the special need for property taxes is first established and may change methods only by notifying the county prior to June 1 or December 1, of any year which shall determine the method of payment during the next six-month period commencing July 1 or January 1.

.442 If payment is made in two installments, each installment shall be the sum of the monthly amounts to which the recipient would be entitled for the period covered by the installment payment. Any amount paid by installment which is later determined to be in error as a result of changes in the recipient's need or income shall be adjusted in subsequent payments.

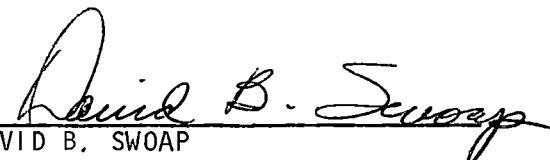
.443 The amount of an installment payment shall not include any amount for taxes for any prior month during which the recipient was not receiving public assistance payments.

.444 The total amount received by a recipient as a special need for property taxes for any fiscal year shall be the same, whether paid monthly or by installment.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

These regulations do not mandate a new program nor mandate an increased level of service of an existing program which would result in increased costs to local governments under Revenue and Taxation Code Section 2231.

  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF BENEFIT PAYMENTS



February 6, 1974

FILED

In the office of the Secretary of State  
of the State of California

FEB 7-1974  
At 9:25 o'clock a.m.  
EDMUND G. BROWN Jr., Secretary of State  
By Margie R. Krashberger  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code

The State Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on October 15, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

STATE DEPARTMENT OF BENEFIT PAYMENTS

By David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

FEB 12 1974

Office of Administrative Hearings

**FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

FEB 14 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

FEB 14 1974

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Benefit Payments

Dated: 2-14-74 (Agency)

By: David B. Seago

Director

(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California

FEB 14 1974 *pm*  
At 1:50 o'clock P.M.  
EDMUND G. BROWN Jr. Secretary of State  
By *Margie R. Schlesinger*  
Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Adopt: 22-001.31  
22-001.32  
22-023.12

DO NOT WRITE IN THIS SPACE

Effective March 16, 1974

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

22-001 DEFINITIONS - FAIR HEARING

22-001

- .31 For claimants filing hearing requests, the county welfare department in which the claimant resides is to be considered the "Office of the Chief Referee" if the CWD has been so designated by the Chief Referee, Department of Benefit Payments.
- .32 A county welfare department may be designated the "Office of the Chief Referee" for purposes of receiving hearing requests by submitting a written request to the Chief Referee.

DO NOT WRITE IN THIS SPACE

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY

22-023

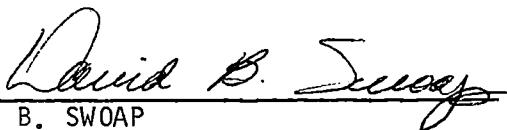
## PRIOR TO THE FAIR HEARING

- .12 [REDACTED] Upon receipt of a request for fair hearing filed in accordance with Section 22-001.3, the county shall immediately comply with Section 22-023.11 above and, no later than the third (3rd) day after receiving the request, shall notify the Office of Chief Referee in Sacramento that a request for fair hearing has been received including in the notification all information pertinent to such request.

Effective March 16, 1974

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

These are "no cost" regulations as defined in Department of Finance Management Memo No. 73-49, issued December 28, 1973.

  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

Effective March 16, 1974

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

FEB 21 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

FEB 21 1974

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Benefit Payments

(Agency)

Dated: February 21, 1974By: David B. Seago

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

FEB 21 1974 m

At 9:20 o'clock a.m.  
EDMUND G. BROWN Jr., Secretary of State  
By Marjorie R. Kershberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amend: Section 22-001.31

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-001 DEFINITIONS - FAIR HEARING(Continued)

22-001

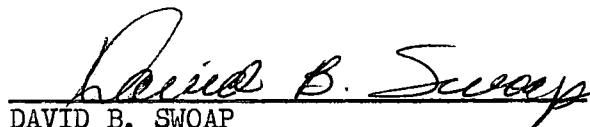
- .31 For purposes of filing hearing requests, the county welfare department in which the claimant resides is to be considered the "Office of the Chief Referee" if the CWD has been so designated by the Chief Referee, Department of Benefit Payments.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

These are "no cost" regulations as defined in Department of Finance Management Memo No. 73-49, issued December 28, 1973.

  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

**FACE SHEET**  
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**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 21 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

MAR 21 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

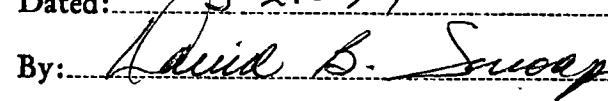
Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: 3-21-74

By:



Director

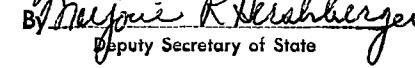
(Title)

**FILED**In the office of the Secretary of State  
of the State of California

MAR 21 1974 in

At 1:40 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By   
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amend: Section 42-223.1

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**42-223 SPECIAL PROPERTY CONSIDERATIONS**

**42-22**

**.1 Property in Another State**

Since assessment rates for computing the assessed value of real property in other states may not be the same as in California, it is necessary to convert assessed values arrived at by other states into figures that are comparable to the assessed value referred to in Welfare and Institutions Code Sections 11153.7 and 11255. This should be accomplished by application of the following conversion formula:

Assessed value of property in <u>another state</u> <u>Assessment rate</u> of that state	X	California assessment rate	=	Assessed value as used in Welfare and Institutions Code Sections 11153.7 and 11255
---	---	----------------------------------	---	--

DO NOT WRITE IN THIS SPACE

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this regulation because the duties, obligations or responsibilities imposed on local government by this regulation are minor in nature and will not cause any financial burden on local government.

  
 DAVID B. SWOAP  
 Director of Benefit Payments

Effective April 20, 1974

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 13 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

MAR 13 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: March 12, 1974

By:

*David B. Sneed*

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

MAR 13 1974

At 10:30 o'clock A.M.

EDMUND G. BROWN, Jr., Secretary of State

By *Margie Kerehberger*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Sections 44-241  
44-311.111  
44-315.23

Repeal: Sections 44-315.233  
44-315.234

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Regulations filed with the Secretary of State on February 7, 1974, authorize special need for property taxes allowances for SSI/SSP recipients including individuals formerly receiving aid under the AB, ATD, and OAS programs.
2. It is necessary to file these regulations on an emergency basis in order to authorize the same treatment to applicants or recipients of APSB.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES

44-241

APSB

For purposes of this section "recipient" includes an individual recipient.

In the case of a married couple, either one of whom would qualify as a recipient, the couple is a recipient.

.1 Criteria for Allowing the Special Need

A special need for property taxes (not including delinquent penalties) shall be allowed for any recipient who:

- .11 Owns or is purchasing a home,
- .12 Is actually paying property taxes in excess of \$180 in a fiscal year, and
- .13 Is 62 years of age or older as of January 1 of the previous fiscal year.

.2 Maximum Allowance

In no case shall a recipient's (including a married couple) special need allowance for property tax exceed \$500 per fiscal year.

.3 Determining the Amount of Special Need

The special need for property taxes shall be determined on the basis of the property tax bill for the current fiscal year, if available.

If the current property tax bill is not available, the special need allowance shall be estimated from the preceding year's tax bill on the home currently owned by the recipient. Amounts determined and paid on the basis of the preceding year's tax bill shall be redetermined when the current year tax bill

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**CONTINUATION SHEET  
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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

APSB

is available and appropriate adjustments will be made in subsequent payments. The special need for property taxes for recipients who meet the criteria in .1 above shall be determined on a monthly basis as follows:

- .31 Determine the property tax cost for the month by dividing the amount of the annual property tax bill by 12.
- .32 Subtract \$15 from the amount arrived at the .31 and round the remainder to the nearer dollar.
- .33 The amount determined in .32, but not an amount exceeding \$42, is the amount of the recipient's monthly allowable special need.

.4 Method of Payment

This special need is payable monthly or, at the election of the recipient and his wife in the case of a married couple qualifying as a recipient, or at the election of an individual recipient, can be apportioned for payment in two installments to be paid in the months when property taxes are due.

- .41 Recipients shall elect the method of payment at the time the special need for property taxes is first established and may change methods only by notifying the county prior to June 1 or December 1, of any year which shall determine the method of payment during the next six-month period commencing July 1 or January 1.

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**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-241 SPECIAL NEED FOR PROPERTY TAXES (Continued)

44-241

APSB

- .42 If payment is made in two installments, each installment shall be the sum of the monthly amounts to which the recipient would be entitled for the period covered by the installment payment. Any amount paid by installment which is later determined to be in error as a result of changes in the recipient's need or income shall be adjusted in subsequent payments.
- .43 The amount of an installment payment shall not include any amount for taxes for any prior month during which the recipient was not receiving public assistance payments.
- .44 The total amount received by a recipient as a special need for property taxes for any fiscal year shall be the same, whether paid monthly or by installment.

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued)

44-311

DO NOT WRITE IN THIS SPACE

APSB

.111 Grant Maximum for the Blind

The grant maximum is \$243 unless there is need for property taxes in which case an additional amount may be allowed as provided in Section 44-241.

44-315 AMOUNT OF AID

44-315

APSB

.23 Property Taxes and Statutory Maximum - Recipient in Independent Living Arrangement.231 Need Exceeds Statutory Maximum Because of Need for Property Taxes

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID

44-315

APSB

If a recipient's total need for a month exceeds the statutory maximum for public assistance as set forth in Section 44-311, solely because of his need for property taxes, his grant is determined by deducting this nonexempt income from his total need. (See Section 44-201.)

.232 Need Exceeds Statutory Maximum Because of Needs Other Than Property Taxes but Recipient Also has Need for Property Taxes

If a recipient's monthly need, exclusive of property taxes, exceeds the statutory maximum and he also has need for property taxes, his recognizable need for grant authorization purposes is determined by adding the need allowance for property taxes to the statutory maximum. His grant is then determined by deducting his nonexempt income from the recognizable need so determined. The nonproperty tax need in excess of statutory maximum may be met by county supplementation and/or voluntary contributions within the limitations specified in Section 44-111.42.

The following Sections are to be repealed effective upon filing with Secretary of State. Sections: 44-315.233  
44-315.234

Notwithstanding Section 2231 of the Revenue and Taxation Code, There shall be no reimbursement pursuant to this regulation, because an appropriation is provided for in Chapter 498, Statutes of 1973.

*David B. Swoap*  
DAVID B. SWOAP  
Director of Benefit Payments

## DEPARTMENT OF BENEFIT PAYMENTS



March 14, 1974

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

## Sections 41-408.21 and 41-408.31

The State Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on November 16, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By David B. Swoap  
DAVID B. SWOAP  
Director of Benefit Payments

RECEIVED FOR FILING

1974 MAR 14 1974

Office of Administrative Hearings

FILED

in the office of the Secretary of State  
of the State of California

MAR 14 1974

At 1:30 o'clock P.M.

EDMUND BROWN, Secretary of State

By Marguerite R. Schreyer  
Deputy Secretary of State

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 11 1974

Office of Administrative Hearings

**PURSUED**A FOR FILING  
Code 11380.2)

APR 11 1974

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: April 10, 1974By: Harold B. Swartz

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

APR 11 1974

At 11:10 o'clock a.m.

EDMUND G. BROWN, Jr., Secretary of State

Margorie R. Hershberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

## Division 24 Building Guidelines

Amend:	Sections 24-001	24-031.5	24-125
	24-005	24-035	24-127
	24-011.2	24-041	24-129
	24-013	24-045	24-131
	24-025	24-051	24-139
	24-031.1	24-103	24-151.1
	24-031.21	24-123.3	24-153.4
	24-031.3		

Repeal: Section 24-133

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

24-001 POLICY STATEMENT

24-001

- .1 The State Department of Benefit Payments, in order to promote the efficiency and productivity of operations, requires welfare departments to be housed in space that is adequate, functional, and appropriately located.
- .2 In adopting these regulations it is the clear intent of the Director of the State Department of Benefit Payments, that the administration and enforcement thereof shall be on the basis of substantial, rather than specific and detailed, conformity with the purpose and intent of all applicable standards. The standards which follow are provided as the basis for judgment as to the degree to which substantial conformity may or may not exist in individual situations.

24-005 LEGAL BASIS

24-005

The department's policy results from responsibilities placed upon it by the U. S. Department of Health, Education, and Welfare to:

- .1 Secure office space for federally aided public assistance programs that "will adequately and effectively meet program and staff needs."
- .2 Establish and maintain the necessary standards; and
- .3 Provide assurance that the standards are continuously in effect in all agencies and offices concerned.

(References: 45 CFR 205.170. Welfare and Institutions Code, Sections 10600, 10604.)

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**24-011 PLANNING (Continued)**

**24-011**

- .2 Estimates for welfare office space needs should be projected for five (5) years. Each year, before October 1, these estimates shall be revised as necessary. These estimates may be requested by the State Department of Benefit Payments. A brief statement may also be required yearly, outlining the basis for estimated future space needs.

**24-013 FINANCING STUDIES BY OUTSIDE AGENCIES**

**24-013**

In cases where office space studies are made by agencies outside of the welfare department, financial reimbursements for these services may be claimed upon prior approval of State Department of Benefit Payments. The requirements and procedures for requesting such prior approval are contained in the Manual of Fiscal Policies and Procedures.

**24-025 CERTIFICATION OF WELFARE SPACE**

**24-025**

All welfare space shall be certified by the County Welfare Director as to consistency with projected needs, suitability for the use intended, and its substantial conformity with required standards in order that federal and state reimbursement may be claimed. Certification by the County Welfare Director will indicate that all SDBP building standards have been reasonably met.

- .1 A "claiming authorization letter" is issued by State Department of Benefit Payments as evidence that the identified premises have been certified by the Director of the County Welfare Department as meeting all SDBP building standards and requirements. Such letters shall be valid for the period of any lease or rental agreement, \_\_\_\_\_ or until cancelled by the State Department of Benefit Payments. Conformance to building regulations will be subject to state and federal field audit review and verification.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

24-031 EXISTING WELFARE SPACE

24-031

**Definition:** Existing welfare space is office space which has been approved by State Department of Benefit Payments as of the effective date of these regulations.

**.1 Periodic Inspection**

The State Department of Benefit Payments may inspect existing welfare space on a periodic basis.

**.2 Criteria for Approval of Existing Welfare Space**

As to existing welfare space only, the General Space Standards, as set forth in Sections 24-103 and following, of these regulations may be modified if the applicant county can show that one or both of the following conditions exists:

**.21 That existing welfare space which contains a lesser amount of gross floor space per employee than that which is recommended, will provide adequate, effective, and comfortable space for workers and clients, and conforms to all applicable health and safety requirements;**

24-031 EXISTING WELFARE SPACE (Continued)

24-031

**.3 Requests for Exceptions**

It shall be the responsibility of the applicant county to fully support exceptions requested under subparagraphs (.21) and (.22) above.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**24-031 EXISTING WELFARE SPACE (Continued)**

24-031

**.5 Notice to Counties of Deficiencies**

If an inspection discloses deficiencies or departures from standards, State Department of Benefit Payments shall notify the county concerned in writing. The notice shall describe in detail the nature of the deficiency and corrective action recommended.

**24-035 ADMINISTRATIVE SANCTIONS - EXISTING SPACE**

24-035

Ninety days after issuance of written notice by State Department of Benefit Payments that specified welfare space is not in conformity with standards, and in the absence of indications that the county concerned is proceeding as evidenced by the submission of a written plan to make the necessary corrections, all applicable federal and/or state reimbursement for building costs may be suspended.

Such reimbursement shall not be resumed until an acceptable plan for the correction of noted deficiencies has been submitted by the County. Before a claiming authorization letter is issued, the County Welfare Director must certify that the plan submitted conforms to all standards established by SDBP.

**24-041 PROPOSALS FOR ADDITIONAL OR IMPROVED WELFARE SPACE**

24-041

Counties shall notify SDBP of intention to acquire additional or improved welfare office space, at that point in its planning where a firm decision has been reached to proceed. This point will usually be reached when schematic or preliminary plans have been prepared, and the general area within the county where the additional or improved space is to be located has been determined.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**24-045 FINAL APPROVAL AND CERTIFICATION**

**24-045**

- .1 Upon certification by the County Welfare Director that new or improved welfare office space complies with SDBP standards and is ready for occupancy, a claiming authorization letter will be issued by SDBP. The letter may include such limitations or conditions as may be necessary. (Maximum number of employees to be housed in the premises, etc.) The claiming authorization letter is not to be construed to mean that the office space meets all SDBP criteria; instead, it is a document allowing use of the office space based on the County Welfare Director's certification that the office space is in compliance with all SDBP regulations and criteria.
- .2 If upon audit review, major deviations from previously approved or certified plans are found to have occurred, SDBP will \_\_\_\_\_ notify the county of such deviations and indicate the action necessary for correction.

**24-051 REIMBURSEMENT - ADDITIONAL OR IMPROVED SPACE**

**24-051**

No claiming may be initiated for reimbursement of costs of additional or improved welfare office space until after the following conditions have been met: (1) the completed work has been certified by the County Welfare Director as complying with all SDBP standards; and (2) a claiming authorization letter has been issued by SDBP.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**24-103 GENERAL SPACE STANDARDS**

**24-103**

- .1 Welfare office space, existing, additional or improved, shall be comparable, in quantity and quality, to that provided for other county departments under county office space standards.
- .2 For overall planning purposes and as a basis for rough cost estimates, 125 to 175 gross square feet of floor area per employee is recommended. Smaller offices (those planned for 50 or fewer employees) will require a proportionately greater ratio of gross to net area in order to provide for adequate reception and waiting areas, corridors, stairways and elevators, mechanical equipment rooms, etc., than will larger offices. The gross area, including all necessary service areas, etc., shall be sufficient to provide the net working area per employee, and for other purposes, as specified in Sections 24-125 through 24-127 inclusive, of these standards.

DO NOT WRITE IN THIS SPACE

**24-123 RECEPTION AND WAITING AREA LAYOUT (Continued)**

**24-123**

- .3 A floor area sufficient to avoid congestion should be provided in front of the reception counter.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

## 24-125 WORK STATION REQUIREMENTS

24-125

Each regular employee shall have a regularly assigned work station which shall be equipped as necessary for the operations or functions performed, except that a single work station may be shared by two or more \_\_\_\_\_ employees, assigned to different shifts or work periods. Each work station shall have sufficient and appropriate space for: (a) the necessary furniture and equipment; (b) the assigned worker; and (c) easy access to the station and equipment for work, maintenance, and repairs.

Other arrangements may be appropriate for employees in special aid classifications whose work is essentially field oriented.

DO NOT WRITE IN THIS SPACE

## 24-127 OFFICE AREAS

24-127

- .1 All workers shall be so housed as to: (a) promote effective and efficient functioning; (b) permit the degree of mental concentration necessary to the type of work performed; (c) minimize the distractions and disturbances created by sound, visual contact, excessive movement and office traffic, and other distracting influences inherent in large open office areas.
- .2 Within any enclosed office area, an average area of fifty-five (55) square feet per employee is recommended.
- .3 Additional space shall be provided as necessary, for equipment and furniture (other than desk and seating area), necessary to the function performed at the work station.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

24-129 PRIVATE OFFICES

24-129

- .1 Work stations where first-line social work and higher supervisory functions are performed require privacy. The size of the private offices shall be determined based on the function.
- .2 All supervisor offices should be located in proximity to the unit supervised.
- .3 Private offices for first-line clerical supervisors (senior clerks, etc.) are not required. Supervisors and clerks performing specialized functions requiring mental concentration and freedom from interruption should be provided private offices as required for effective performance of the assigned function.

24-131 INTERVIEW BOOTHS

24-131

Separate interview booths, sufficient in number to accommodate normal loads, shall be provided. Booths shall be so constructed as to provide privacy of the interview. The size of the interview booths will depend upon the type of furniture to be placed in the booth, but the minimum recommended square footage should not be less than 64 square feet. In addition, a sufficient number of larger interview rooms shall be provided for group interviews (family members, interpreters, etc.).

24-139 AISLES AND CORRIDORS

24-139

- .1 Plans for welfare office space shall include adequate aisles and corridors.
- .2 Aisles and corridors shall permit free movement of persons and equipment.
- .3 Aisles and corridors shall not be used as a work area or for storage of equipment, files, etc.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

24-151 TEMPORARY OR SPECIAL-PURPOSE SPACE

24-151

- .1 Temporary space, planned for occupancy for normal welfare functions for a period not to exceed three years, may be exempted from the provisions of these regulations. The county shall, however, submit \_\_\_\_\_ a statement as to the necessity and purpose of such temporary occupancy to SDBP prior to actual occupancy.

A further extension of not more than two years may be granted by the Director of the State Department of Benefit Payments, upon a showing by the applicant county, that additional time is required because of circumstances or events, not reasonably foreseeable, or within the control of the county.

24-153 SPECIAL ADOPTION UNIT REQUIREMENTS (Continued)

24-153

- .4 Storage space shall be provided \_\_\_\_\_ to store equipment and furnishings needed to carry out the activities of an adoptions unit.

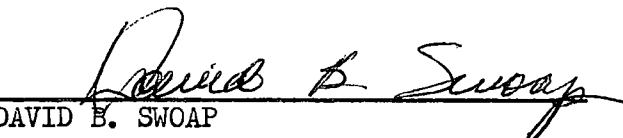
DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed

Section 24-133 DICTATION BOOTHS

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this regulation because the duties, obligations or responsibilities imposed on local government by this regulation are minor in nature and will not cause any financial burden on local government.

  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

## DEPARTMENT OF BENEFIT PAYMENTS



March 14, 1974

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The State Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed November 30, 1973, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By

DAVID B. SWOAP

Director of Benefit Payments

RECEIVED FOR FILING

Office of Administrative Hearings

FILED  
in the office of the Secretary of State  
of the State of California

MAR 14 1974  
At 1:30 o'clock P. M.  
EDMUND G. BROWN, Jr., Secretary of State  
By Margie R. Kershner  
Deputy Secretary of State

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINATION OF VALUE OF A MOTOR VEHICLE

42-215

APSB  
AFDC

.33 The market value of a motor vehicle is determined by multiplying the annual license fee (which does not include registration or weight fees) by 50. To determine the net market value deduct from the market value any encumbrances which are related to the purchase of the motor vehicle, within the limitations specified in .4 below. In order to be related to the purchase, the encumbrance must be made for the sole purpose of financing or refinancing the purchase of the motor vehicle and such financing or refinancing may not generate any cash benefit to the applicant or recipient.

Should the license fee be unknown, unavailable or not current, the county shall establish the value by contacting the Department of Motor Vehicles and ascertaining what the license fee would be if the vehicle were currently registered.

If the county, applicant, or recipient does not believe that the above method represents the true value of the motor vehicle, an appraisal from a California state licensed independent insurance adjustor shall be considered as additional evidence of the value.

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**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation implements a mandate included in a judgment of the Sacramento County Superior Court in the case of Lopez v. Carleson.

  
DAVID B. SWOAP  
Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

APR 26 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

APR 26 1974

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: April 26, 1974By: David S. SwerdfegerDirector

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

APR 26 1974

At 2:10 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of StateBy Margie R. Hershberger

Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Section 63-408.5

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**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On December 10, 1973, the United States Supreme Court refused to hear the appeal of the United States Department of Agriculture (USDA) in Bermudez, et al. v. USDA, et al. regarding retroactive food stamp benefits.
2. In response to the action of the Supreme Court, USDA directed all states to immediately make retroactive benefits available to households which (1) are certified to participate in the program, (2) have requested a fair hearing on or after July 31, 1972, and (3) are determined by the fair hearing process to be entitled to lost food stamp benefits.
3. In order to implement the USDA directive and to give said directive immediate effect, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

63-408 COMPLAINTS, APPEALS AND FAIR HEARINGS (Continued)

63-408

.5 Adjustments After Fair Hearing Decision

As a result of a fair hearing decision, retroactive adjustments in favor of the household will be permitted as follows:

- .51 Cash refunding to the household of any overcharge made in purchase requirement as a result of administrative error. However, if the household owes an unpaid balance on a claim determined by the state or county as having resulted from fraudulent participation, the amount overcharged the household shall be offset against the balance due on the claim before the refund is made. (Also see Section 63-615.55.)
- .52 As the result of a fair hearing decision that a household was eligible for food stamps which were wrongfully denied, delayed, or terminated, the county will make retroactive benefits available to the head of the household through forward adjustment in the shortest time possible by reducing current purchase requirements where (1) the head of the household or person acting as his representative has requested a fair hearing within the time period specified in Section 63-408.31 on or after July 31, 1972, (2) the household is determined by the fair hearing process to be entitled to food stamp benefits wrongfully delayed, denied or terminated, and (3) the head of the household is currently certified to participate in the program.

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-408 COMPLAINTS, APPEALS AND FAIR HEARINGS (Continued)

63-408

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- .521 In those instances in which a conference held in accordance with Section 63-408.23 results in a decision favorable to the household and the household requests a fair hearing, the matter will be heard by the state-designated hearing official as expeditiously as possible. Retroactive benefits shall then be made available to the head of the household as soon as administratively possible if the household is eligible in all other respects, and if at the hearing the hearing official concurs in the conference decision and determines that the head of the household and the county are in agreement as to the household's retroactive eligibility and no issue exists. In such case the hearing official will dismiss the case and render no formal decision. If the hearing official determines that a dispute does still exist, the hearing official will take evidence on the issues and the Director of the Department of Benefit Payments will issue an adopted decision on the matter.
- .522 With respect to households which have requested a fair hearing on or after July 31, 1972 as specified in Section 63-408.31, and which are determined by the fair hearing process to be entitled to food stamp benefits wrongfully delayed, denied, or terminated, but which are not currently certified to participate in the program, the counties will make such retroactive benefits available to the head of the household only when the head of the household again becomes currently certified for Food Stamp Program participation under normal certification procedures.
- .523 Where there is no current certification or a zero purchase requirement, a credit of retroactive benefits will continue to exist to the claimant who was wrongfully denied food stamp benefits. When the claimant is again certified to participate in the Food Stamp Program above the zero purchase requirement level within this State, the county shall then make retroactive benefits available to the claimant pursuant to Section 63-408.52.
- .524 In no event shall the county make retroactive benefits available to any head of household who is not currently certified as eligible to participate in the Food Stamp Program.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

63-408 COMPLAINTS, APPEALS AND FAIR HEARINGS (Continued)

63-408

- .525 The method by which the county shall make retroactive benefits available to households entitled thereto under Section 63-408.52 is through reduction of the currently certified head of household's purchase requirement so that the reduction(s) will, in the shortest time possible, equal the amount of benefits lost.
- .526 When an ATP card or equivalent with a reduced purchase requirement is made available to a household pursuant to .525 above, the reduction in purchase requirement reflected on the card shall be considered retroactive benefits made available to the household regardless of whether the head of household or authorized representative chooses to avail himself of food stamp benefits pursuant to the ATP card or equivalent made available to him.
- .527 The county welfare department shall record the foregoing lost benefit transaction(s) in the case file of each household receiving or entitled to receive retroactive benefits.
- .528 The county shall submit directly to FNS-Western Region Office, with a copy to DBP-PIB, a monthly report which itemizes the amount of benefits that have been restored. This report is to be received by FNS-WRO within twenty (20) days after the end of each reporting month and must contain the following information:

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(Pursuant to Government Code Section 11380.1)

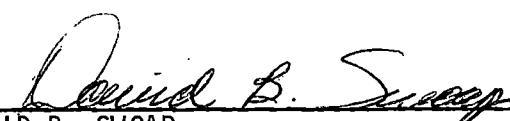
63-408 COMPLAINTS, APPEALS AND FAIR HEARINGS (Continued)

63-408

- a. The amount of benefits restored during the month by household name and case number.
- b. The reason or cause which resulted in the lost benefits.
- c. The period in which the lost benefits were incurred.
- d. The total number of cases during the month in which a hearing authority authorized retroactive benefits and the total amount of such benefits.

There are no State mandated costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation implements federally mandated requirements that retroactive food stamp benefits be granted to eligible households.

DO NOT WRITE IN THIS SPACE



David B. Swoap  
DAVID B. SWOAP  
Director of Benefit Payments

**DEPARTMENT OF SOCIAL WELFARE  
BENEFIT PAYMENTS**  
744 P STREET  
SACRAMENTO 95814



April 25, 1974

**FILED**  
In the office of the Secretary of State  
of the State of California

APR 26 1974  
At 2:10 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of State  
By *Maipie R Kershberger*  
Deputy Secretary of State

**CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code**

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on January 2, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By *David B. Swoap*  
DAVID B. SWOAP, Director

**RECEIVED FOR FILING**

APR 26 1974

Office of Administrative Hearings

DEPARTMENT OF SOCIAL WELFARE  
BENEFIT PAYMENTS  
744 P STREET  
SACRAMENTO 95814



April 25, 1974

**FILED**  
In the office of the Secretary of State  
of the State of California

APR 26 1974 *m*  
At 2:10 o'clock P. M.  
EDMUND G. BROWN Jr., Secretary of State  
*Margie R. Hershberger*  
By *Margie R. Hershberger*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on February 7, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By *David B. Swoap*  
DAVID B. SWOAP, Director

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APR 26 1974

Office of Administrative Hearings

DEPARTMENT OF ~~SOCIAL SECURITY~~ BENEFIT PAYMENTS

744 P STREET  
SACRAMENTO 95814



May 24, 1974

**FILED**  
In the office of the Secretary of State  
of the State of California

MAY 29 1974  
At 9:10 o'clock a.m.  
EDMUND G. BROWN, Jr., Secretary of State  
By Maipie R. Hershberger  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 1/31/74, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

MAY 29 1974

Office of Administrative Hearings

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING  
MAY 30 1974

Office of Administrative Hearings

**F IDORSED**  
APPROVED FOR FILING  
(Code 11380.2)  
MAY 30 1974

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: May 30, 1974

By: David B. Snapp

Director

(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California

MAY 30 1974  
At 1:30 P.M.  
EDMUND G. BROWN, Secretary of State  
By Marjorie R. Hershberger  
Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amended: Sections 44-101.1  
44-101.2  
44-133.62  
44-213.31

Adopted: Section 44-133.9

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-101 INCOME DEFINITIONS (Continued)

AFDC  
APSB

.1 Separate and Community Income

.11 Separate income is:

.111 Income derived from an interest in separate property; or,

.112 Income resulting from employment or military service rendered prior to the present marriage.

.12 Community income is:

.121 Generally income derived from an interest in community property; or,

.122 Income resulting from employment or military service performed during the present marriage or being performed at the time of the present marriage. However: If the applicant or recipient of APSB has relinquished his community interest in his spouse's earnings by oral or written agreement, such income is separate income of the spouse. It if is determined that the agreement was made for the purpose of qualifying for aid or for a greater amount of aid, such income is considered community income. Earnings of an ineligible spouse up to \$200 monthly net are not considered as community income. (See Section 44-131.132 and W&IC 11012); or

APSB

.123 Income from the earnings of a minor child in the home unless the child is free from parental control.

AFDC

.2 Restricted income is any resource received by or on behalf of a particular child under legal conditions which limit the application of such resource solely to the use and benefit of the particular child. Examples of restricted income include OASDI payments, child support payments and some trust payments. Restricted income does not include the earnings of a child (Section 44-111.2).

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-133 TREATMENT OF INCOME - AFDC (Continued)**

44-133

**AFDC**

.62 The income received directly by the county welfare department, \_\_\_\_\_ transmitted to the county welfare department or deposited to the account of the county welfare department by a public official or agency, on behalf of a child receiving public assistance in a boarding home or institution, and all support payments for a child receiving public assistance living with a parent or relative, paid by an absent parent directly to the welfare department \_\_\_\_\_ or deposited to the account of the county welfare department by a public official or agency, shall be treated in the following order:

**44-133 TREATMENT OF INCOME - AFDC (Continued)**

44-133

**.9 Restricted Income**

**AFDC** .91 When a child with restricted income (Section 44-101.2) is included in the Family Budget Unit, (Section 44-213.31) his restricted income is income to the Family Budget Unit.

.92 When a child with restricted income (Section 44-101.2) is not included in the Family Budget Unit, (Section 44-213.31) the restricted income shall not be treated as income to the Family Budget Unit except to the extent that the restricted income is actually used for or contributed to Family Budget Unit members.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-213 THE FAMILY BUDGET UNIT (Continued)**

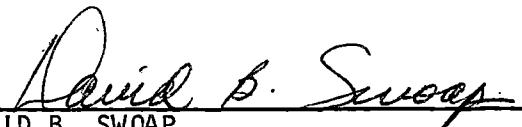
**44-213**

**AFDC**

**.31 Children**

All related eligible unmarried children, including the unborn child,  
for whom aid is requested by the child's parent or relative caretaker  
A child receiving restricted income (Section 44-101.2), otherwise  
eligible, shall, at the option of the parent or relative caretaker  
requesting aid, be included in or excluded from the Family Budget  
Unit, with his income.

The State Department of Benefit Payments has determined that there will be no additional cost to any unit of local regulation pursuant to Section 2231 of the Revenue and Taxation Code.

  
DAVID B. SWOAP  
Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 31 1974

Office of Administrative Hearings

ENDORSED

PAID FOR FILING  
(Code 11380.2)

MAY 31 1974

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

Dated: May 31, 1974 (Agency)

By: David B. Swanson

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

MAY 31 1974

At 11:10 o'clock A.M.  
EDMUND G. BROWN, Jr., Secretary of State  
By Debra R. Nershberger  
Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Amend: Sections 42-303  
 44-115.91  
 44-115.92  
 44-115.93  
 44-115.94  
 44-212.2  
 44-315.411  
 44-315.422

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**42-303 AFDC REQUIREMENTS**

AFDC

42-303

An applicant or recipient is financially eligible during any month in which his gross income minus the exemption and deductions set forth in .1 and .2 below is less than the corresponding level of the Basic Standard of Adequate Care.

Number of Persons Within the FBU	Basic Standard of Adequate Care
1	<u>\$138</u>
2	<u>232</u>
3	<u>282</u>
4	<u>347</u>
5	<u>400</u>
6	<u>451</u>
7	<u>496</u>
8	<u>548</u>
9	<u>600</u>
10	<u>652</u>

Plus six dollars 66 for each additional person within the FBU.

**44-115 EVALUATION OF INCOME IN KIND (Continued)**

44-115

DO NOT WRITE IN THIS SPACE

AFDC

**.91 Housing**

- a. one-person FBU - \$61/per month
- b. two-person FBU - \$82/per month
- c. three-person FBU - \$89/per month
- d. four-person or larger FBU - \$95/per month

AFDC

**.92 Utilities (including telephone)**

- a. one-person FBU - \$13/per month
- b. two-person FBU - \$14/per month
- c. three-person FBU - \$15/per month
- d. four-person or larger FBU - \$17/per month

Effective 7/1/74

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-115 EVALUATION OF INCOME IN KIND (Continued)****44-115****AFDC .93 Food**

- a. one-person FBU - \$34/per month
- b. two-person FBU - \$74/per month
- c. three-person FBU - \$93/per month
- d. four-person FBU - \$115/per month
- e. five-person FBU - \$139/per month
- f. six-person FBU - \$162/per month
- g. seven-person FBU - \$179/per month
- h. eight-person FBU - \$197/per month
- i. nine-person FBU - \$215/per month
- j. ten-person or larger FBU - \$232 /per month

DO NOT WRITE IN THIS SPACE

**AFDC .94 Clothing**

- a. one-person FBU - \$10/per month
- b. two-person FBU - \$20/per month
- c. three-person FBU - \$30/per month
- d. four-person FBU - \$40/per month
- e. five-person FBU - \$50/per month
- f. six-person FBU - \$60/per month
- g. seven-person FBU - \$70/per month
- h. eight-person FBU - \$80/per month
- i. nine-person FBU - \$90/per month
- j. ten-person or larger FBU - \$101/per month

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE (Continued)**

**44-212**

**AFDC**

- .2** The minimum basic standard of adequate care set forth in W&I Code, Section 11452, and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU (per 44-213.3 and .4)	Minimum Basic Standard of Adequate Care
1	<u>\$138</u>
2	<u>232</u>
3	<u>282</u>
4	<u>347</u>
5	<u>400</u>
6	<u>451</u>
7	<u>496</u>
8	<u>548</u>
9	<u>600</u>
10	<u>652</u>

plus \$6 for each additional needy person

**44-315 AMOUNT OF AID (Continued)**

**44-31**

- AFDC** **.411** Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

Size of FBU	Maximum Aid
1	<u>\$129</u>
2	<u>212</u>
3	<u>262</u>
4	<u>311</u>
5	<u>355</u>
6	<u>400</u>
7	<u>438</u>
8	<u>477</u>
9	<u>516</u>
10 or more	<u>554</u>

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**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

**AFDC** .422 Allowable payment for recurring special needs shall be limited as follows:

**Basic Grant Cases** - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU (Per Section 44-213.3)	Maximum Amount for Recurring Special Needs
1	\$ 9
2	<u>20</u>
3	<u>20</u>
4	<u>36</u>
5	<u>45</u>
6	<u>51</u>
7	<u>58</u>
8	<u>71</u>
9	<u>84</u>
10	<u>98</u>

**Zero Basic Grant Cases** - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

DO NOT WRITE IN THIS SPACE

There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations implement a mandate previously enacted by statute (Chapter 578, Statutes of 1971).

*David B. Swoap*  
DAVID B. SWOAP  
Director of Benefit Payments

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 17 1974

Office of Administrative Hearings

~~FILED FOR FILING~~

Code 11380.2)  
JUN 17 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

**DEPARTMENT OF BENEFIT PAYMENTS**

Dated: June 17, 1974 (Agency)

By: David B. Snodgrass

Director

(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California

JUN 17 1974 *m*  
At 4:30 o'clock P.M.  
EDMUND G. BROWN Jr., Secretary of State  
*Margie R. Schreiber*  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Sections 44-115  
44-115.621

Repeal: Section 44-115.95

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Supreme Court of the State of California on May 21, 1974 issued a Writ of Mandate commanding the Director of the State Department of Benefit Payments to rescind EAS Section 44-115.95.
2. To permit implementation of the Writ in a timely manner requires the amendments of these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-115      EVALUATION OF INCOME IN KIND

44-115

AFDC  
APSB

When a need item is earned or is contributed in kind, the income value placed upon such earnings, contributions, etc., is the amount included for the item in the standard of assistance for the aid programs involved (see Determination of Need chapter), subject to the limitations set forth in .1 through .9 below:

An unborn child is to be treated as any other person for purposes of computing aid, and no reduction shall be made for in kind income attributable to needs of the unborn child which are supplied by the mother's body.

44-115      EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC

62    Minor Residing with Parent(s)

.621 When the FBU consists of a minor parent and her children residing with her parent(s), in-kind values for housing, utilities, food and clothing for the minor parent shall be deducted as in-kind income, provided that her parent(s) are providing all or some of these needs. Additional in-kind deductions shall be made for other children in accordance with Section 44-115.61.

The following section is to be repealed effective immediately upon filing with the Secretary of State:

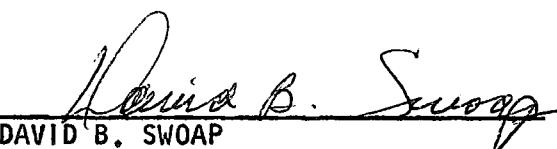
44-115.95 Unborn Child Included in the FBU

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation implements a mandate included in a Writ of mandate issued by the Supreme Court of the State of California in the case of CWRO v. Brian.

  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE  
BENEFIT PAYMENTS  
744 P STREET  
SACRAMENTO 95814



June 19, 1974

**FILED**In the office of the Secretary of State  
of the State of California

JUN 21 1974 *m*  
At 1:35 o'clock P. M.  
EDMUND G. BROWN Jr., Secretary of State  
By *Marjorie R. Kershberger*  
Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 3/13/74, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By *David B. Swoap*  
DAVID B. SWOAP, Director

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JUN 21 1974

Office of Administrative Hearings

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 21 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

JUN 21 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: June 21 1974By: David B. Swagg

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

JUN 21 1974

At 1:35 o'clock P.M.

EDMUND G. BROWN, Jr., Secretary of State

By Maryanne R. Hershberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Section 63-505

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. In accordance with Section 7(a) of the Food Stamp Act, as amended, the value of Food Stamp Program coupon allotments has been adjusted to reflect changes in the prices of food as determined by the Bureau of Labor Statistics.
2. A revised schedule of purchase requirements and bonus food stamp values was received by the Department of Benefit Payments from the United States Department of Agriculture, Food and Nutrition Service, on April 16, 1974.
3. The revised schedule from Food and Nutrition Service is mandatory for State use effective July 1, 1974.

The attached regulations are adopted as emergency measures to become effective on July 1, 1974.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-505 FREQUENCY OF COUPON ISSUE

63-505

The Federal-State Plan provides for issuances as per the four FNS Purchase Requirement Tables of coupons on a monthly, three quarter-monthly, semimonthly or quarter-monthly basis. The decision as to frequency of issue should be made by the participant, after discussion with the worker, provided that the recipient is offered at least the option of monthly or semi-monthly issuance. However, for the recipient who elects Public Assistance Withholding, the county at its discretion may provide only one monthly issuance for the full entitlement.

To insure that eligible households are positively offered the frequency of coupon issuance that is best geared to the frequency of their receipt of income, all Food Stamp counties shall, at a minimum, provide the option of a monthly or semimonthly schedule of issuance to all certified households.

Subject to requested individual adjustment, the frequency should relate to the pattern of income received. When income is received oftener than once a month, as in Aid to Families with Dependent Children or persons paid by the week or semimonthly, the semimonthly table should be used in the initial certification. Quarter-monthly issuance should only be used occasionally and is not required as an option of the eligible household.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-505 FREQUENCY OF COUPON ISSUE (Continued)

63-505

**State of California  
Health and Welfare Agency**

**Department of Benefit Payments  
July 1, 1974  
Table I**

**FOOD STAMP PROGRAM  
MONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

Household Size	1	2	3	4	5
Coupon Allotment	\$46	\$82	\$118	\$150	\$178
Adjusted Monthly Net Income	Monthly Purchase	Monthly Bonus	Monthly Purchase	Monthly Purchase	Monthly Purchase
	Purchase	Bonus	Purchase	Bonus	Purchase
\$ 0- 19.99	\$ 0	\$46	\$ 0	\$82	\$ 0
20- 29.99	1	45	1	81	0
30- 39.99	4	42	4	78	4
40- 49.99	6	40	7	75	7
50- 59.99	8	38	10	72	10
60- 69.99	10	36	12	70	13
70- 79.99	12	34	15	67	16
80- 89.99	14	32	18	64	19
90- 99.99	16	30	21	61	21
100-109.99	18	28	23	59	24
110-119.99	21	25	26	56	27
120-129.99	24	22	29	53	30
130-139.99	27	19	32	50	33
140-149.99	30	16	35	47	36
150-169.99	33	13	38	44	40
170-189.99	36	10	44	38	46
190-209.99	36	10	50	32	52
210-229.99	1/		56	26	58
230-249.99			62	20	64
250-269.99			1/		70
270-289.99					76
290-309.99					82
310-329.99					88
330-359.99					94
360-389.99					100
390-419.99					1/
420-449.99					
450-479.99					
480-509.99					
510-539.99					
540-569.99					
570 and up					

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Pure Nonassistance and Mixed Nonassistance Households Only										
Maximum Allowable Adjusted Monthly Net Income										
Household Size	1	2	3	4	5	6	7	8	9	10*
Adjusted Monthly Net Income	\$194	273	393	500	593	680	767	853	926	999

\*For Each Additional Person in Excess of 10 Add \$73

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-505 FREQUENCY OF COUPON ISSUE (Continued)

63-505

**State of California  
Health and Welfare Agency**

**Department of Benefit Payments  
July 1, 1974  
Table 1**

**FOOD STAMP PROGRAM  
MONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

<b>Household Size</b>	6		7		8		9		10	
	<b>Coupon Allotment</b>	\$204	<b>Adjusted Monthly Net Income</b>	<b>Monthly</b>	<b>Monthly</b>	<b>Monthly</b>	<b>Monthly</b>	<b>Monthly</b>	<b>Monthly</b>	<b>Monthly 3/</b>
		Purchase	Bonus	Purchase	Bonus	Purchase	Bonus	Purchase	Bonus	Purchase
\$ 0- 19.99	\$ 0	\$204		\$ 0	\$230	\$ 0	\$256	\$ 0	\$278	\$ 0
20- 29.99	0	204		0	230	0	256	0	278	0
30- 39.99	5	199		5	225	5	251	5	273	5
40- 49.99	8	196		8	222	8	248	8	270	8
50- 59.99	11	193		12	218	12	244	12	266	12
60- 69.99	14	190		15	215	16	240	16	262	16
70- 79.99	17	187		18	212	19	237	19	259	19
80- 89.99	21	183		21	209	22	234	22	256	22
90- 99.99	24	180		25	205	26	230	26	252	26
100-109.99	27	177		28	202	29	227	29	249	29
110-119.99	31	173		32	198	33	223	33	245	33
120-129.99	34	170		35	195	36	220	36	242	36
130-139.99	37	167		38	192	39	217	39	239	39
140-149.99	40	164		41	189	42	214	42	236	42
150-169.99	43	161		44	186	45	211	45	233	45
170-189.99	49	155		50	180	51	205	51	227	51
190-209.99	55	149		56	174	57	199	57	221	57
210-229.99	61	143		62	168	63	193	63	215	63
230-249.99	67	137		68	162	69	187	69	209	69
250-269.99	73	131		74	156	75	181	75	203	75
270-289.99	79	125		80	150	81	175	81	197	81
290-309.99	85	119		86	144	87	169	87	191	87
310-329.99	91	113		92	138	93	163	93	185	93
330-359.99	97	107		98	132	99	157	99	179	99
360-389.99	106	98		107	123	108	148	108	170	108
390-419.99	115	89		116	114	117	139	117	161	117
420-449.99	124	80		125	105	126	130	126	152	126
450-479.99	133	71		134	96	135	121	135	143	135
480-509.99	142	62		143	87	144	112	144	134	144
510-539.99	151	53		152	78	153	103	153	125	153
540-569.99	160	44		161	69	162	94	162	116	162
570-599.99	169	35		170	60	171	85	171	107	171
600-629.99	172	32		179	51	180	76	180	98	180
630-659.99	172	32		188	42	189	67	189	89	189
660-689.99	172	32		194	36	198	58	198	80	198
690-719.99	1/			194	36	207	49	207	71	207
720-749.99				194	36	216	40	216	62	216
750-779.99				194	36	216	40	225	53	225
780-809.99				1/		216	40	234	44	234
810-839.99						216	40	1/	243	57
840-869.99						216	40		252	48
870-899.99						1/			1/	

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

2/ Monthly allotments for households in excess of 10 persons add \$22 to the monthly coupon allotment for a 10 person household.

3/ Purchase requirements for households in excess of 10 persons: a) With adjusted monthly net income of \$869.99 or less, use the 10-person household purchase requirement. b) With adjusted monthly net income of \$870 or more use the following: For each \$30 of adjusted monthly net income (or portion thereof) over \$869.99, add \$9 to the purchase requirement for a 10-person household with an adjusted monthly net income of \$869.99. In no event may this amount exceed the following maximum purchase requirements: \$270 for 11 persons, \$288 for 12 persons, \$306 for 13 persons, etc., adding \$18 for each additional person over 13.

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**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**63-505 FREQUENCY OF COUPON ISSUE (Continued)**

63-505

State of California  
Health and Welfare Agency

**Department of Benefit Payments**  
**July 1, 1974**  
**Table 2**

**FOOD STAMP PROGRAM  
THREE QUARTER-MONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

1 For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Pure Nonassistance and Mixed Nonassistance Households Only										
Maximum Allowable Adjusted Monthly Net Income										
Household Size	1	2	3	4	5	6	7	8	9	10
Adjusted Monthly Net Income	5194	273	393	500	593	680	767	853	926	999

\*For Each Additional Person in Excess of 10 Add \$73.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-505 FREQUENCY OF COUPON ISSUE (Continued)

63-505

**State of California  
Health and Welfare Agency**

**Department of Benefit Payments  
July 1, 1974  
Table 2**

**FOOD STAMP PROGRAM  
THREE QUARTER-MONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

Household Size	6	7	8	9	10
Coupon Allotment	\$153	\$173	\$192	\$209	\$225 <sup>2/</sup>
Adjusted Monthly Net Income	Three Quarter-Monthly				
Purchase	Bonus	Purchase Bonus	Purchase Bonus	Purchase Bonus	Purchase Bonus
\$ 0- 19.99	0.00	\$153.00	\$ 0.00	\$173.00	\$ 0.00
20- 29.99	0.00	153.00	0.00	173.00	0.00
30- 39.99	3.75	149.25	3.75	169.25	3.75
40- 49.99	6.00	147.00	6.00	167.00	6.00
50- 59.99	8.25	144.75	9.00	164.00	9.00
60- 69.99	10.50	142.50	11.25	161.75	12.00
70- 79.99	12.75	140.25	13.50	159.50	14.25
80- 89.99	15.75	137.25	15.75	157.25	16.50
90- 99.99	18.00	135.00	18.75	154.25	19.50
100-109.99	20.25	132.75	21.00	152.00	21.75
110-119.99	23.25	129.75	24.00	149.00	24.75
120-129.99	25.50	127.50	26.25	146.75	27.00
130-139.99	27.75	125.25	28.50	144.50	29.25
140-149.99	30.00	123.00	30.75	142.25	31.50
150-169.99	32.25	120.75	33.00	140.00	33.75
170-189.99	36.75	116.25	37.50	135.50	38.25
190-209.99	41.25	111.75	42.00	131.00	42.75
210-229.99	45.75	107.25	46.50	126.50	47.25
230-249.99	50.25	102.75	51.00	122.00	51.75
250-269.99	54.75	98.25	55.50	117.50	56.25
270-289.99	59.25	93.75	60.00	113.00	60.75
290-309.99	63.75	89.25	64.50	108.50	65.25
310-329.99	68.25	84.75	69.00	104.00	69.75
330-359.99	72.75	80.25	73.50	99.50	74.25
360-389.99	79.50	73.50	80.25	92.75	81.00
390-419.99	86.25	66.75	87.00	86.00	87.75
420-449.99	93.00	60.00	93.75	79.25	94.50
450-479.99	99.75	53.25	100.50	72.50	101.25
480-509.99	106.50	46.50	107.25	65.75	108.00
510-539.99	113.25	39.75	114.00	59.00	114.75
540-569.99	120.00	33.00	120.75	52.25	121.50
570-599.99	126.75	26.25	127.50	45.50	128.25
600-629.99	129.00	24.00	134.25	38.75	135.00
630-659.99	1/		141.00	32.00	141.75
660-689.99			145.50	27.50	148.50
690-719.99			1/	155.25	156.75
720-749.99				162.00	162.00
750-779.99				1/	168.75
780-809.99					175.50
810-839.99					1/
840-869.99					189.00
					1/

<sup>1/</sup> For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

<sup>2/</sup> Three-quarter monthly allotments households in excess of 10 persons: For each additional person in excess of 10 add \$16.50 to the three-quarter monthly coupon allotment for a 10-person household.

<sup>3/</sup> Purchase requirements for households in excess of 10 persons: a) With adjusted monthly net income of \$869.99 or less, use the 10-person household purchase requirement. b) With adjusted monthly net income of \$870 or more use the following: For each \$30 of adjusted monthly net income (or portion thereof) over \$869.99 add \$6.75 to the purchase requirement for a 10-person household with an adjusted monthly net income of \$869.99.

In no event may this amount exceed the following maximum purchase requirements: \$202.50 for 11 persons, \$216.00 for 12 persons, \$229.50 for 13 persons, etc., adding \$13.50 for each additional person over 13.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-505

FREQUENCY OF COUPON ISSUE (Continued)

63-505

**State of California  
Health and Welfare Agency**

**Department of Benefit Payments  
July 1, 1974  
Table 3**

**FOOD STAMP PROGRAM  
SEMIMONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

Household Size	1		2		3		4		5	
Coupon Allotment	\$23		\$41		\$59		\$75		\$89	
Adjusted Monthly Net Income	Semimonthly Purchase	Bonus								
\$ 0- 19.99	\$ 0.00	\$23.00	\$ 0.00	\$41.00	\$ 0.00	\$59.00	\$ 0.00	\$75.00	\$ 0.00	\$89.00
20- 29.99	0.50	22.50	0.50	40.50	0.00	59.00	0.00	75.00	0.00	89.00
30- 39.99	2.00	21.00	2.00	39.00	2.00	57.00	2.00	73.00	2.50	86.50
40- 49.99	3.00	20.00	3.50	37.50	3.50	55.50	3.50	71.50	4.00	85.00
50- 59.99	4.00	19.00	5.00	36.00	5.00	54.00	5.00	70.00	5.50	83.50
60- 69.99	5.00	18.00	6.00	35.00	6.50	52.50	6.50	68.50	7.00	82.00
70- 79.99	6.00	17.00	7.50	33.50	8.00	51.00	8.00	67.00	8.50	80.50
80- 89.99	7.00	16.00	9.00	32.00	9.50	49.50	9.50	65.50	10.00	79.00
90- 99.99	8.00	15.00	10.50	30.50	10.50	48.50	11.00	64.00	11.50	77.50
100-109.99	9.00	14.00	11.50	29.50	12.00	47.00	12.50	62.50	13.00	76.00
110-119.99	10.50	12.50	13.00	28.00	13.50	45.50	14.00	61.00	14.50	74.50
120-129.99	12.00	11.00	14.50	26.50	15.00	44.00	15.50	59.50	16.50	72.50
130-139.99	13.50	9.50	16.00	25.00	16.50	42.50	17.00	58.00	18.00	71.00
140-149.99	15.00	8.00	17.50	23.50	18.00	41.00	18.50	56.50	19.50	69.50
150-169.99	16.50	6.50	19.00	22.00	20.00	39.00	20.50	54.50	21.00	68.00
170-189.99	18.00	5.00	22.00	19.00	23.00	36.00	23.50	51.50	24.00	65.00
190-209.99	1/		25.00	16.00	26.00	33.00	26.50	48.50	27.00	62.00
210-229.99			28.00	13.00	29.00	30.00	29.50	45.50	30.00	59.00
230-249.99				31.00	10.00	32.00	27.00	32.50	42.50	33.00
250-269.99					1/	35.00	24.00	35.50	39.50	36.00
270-289.99						38.00	21.00	38.50	36.50	39.00
290-309.99						41.00	18.00	41.50	33.50	42.00
310-329.99						44.00	15.00	44.50	30.50	45.00
330-359.99						47.00	12.00	47.50	27.50	48.00
360-389.99						50.00	9.00	52.00	23.00	52.50
390-419.99						1/		56.50	18.50	57.00
420-449.99								61.00	14.00	61.50
450-479.99								63.00	12.00	66.00
480-509.99									1/	
510-539.99										1/

*1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.*

Pure Nonassistance and Mixed Nonassistance Households Only										
Maximum Allowable Adjusted Monthly Net Income										
Household Size	1	2	3	4	5	6	7	8	9	10+
Adjusted Monthly Net Income	\$194	273	393	500	593	680	767	853	926	999

\*For Each Additional Person in Excess of 10 Add \$73.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-505 FREQUENCY OF COUPON ISSUE (Continued)

63-505

State of California  
Health and Welfare AgencyDepartment of Benefit Payments  
July 1, 1974  
Table 3

**FOOD STAMP PROGRAM  
SEMIMONTHLY**

COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS

Household Size	6	7	8	9	10		
Coupon Allotment	\$102	\$115	\$128	\$139	\$150	2/	
Adjusted Monthly Net Income	Semimonthly Purchase	Bonus	Semimonthly Purchase	Bonus	Semimonthly Purchase	Bonus	3/
\$ 0- 19.99	\$ 0.00	\$102.00	\$ 0.00	\$115.00	\$ 0.00	\$128.00	\$ 0.00
20- 29.99	0.00	102.00	0.00	115.00	0.00	128.00	0.00
30- 39.99	2.50	99.50	2.50	112.50	2.50	125.50	2.50
40- 49.99	4.00	98.00	4.00	111.00	4.00	124.00	4.00
50- 59.99	5.50	96.50	6.00	109.00	6.00	122.00	6.00
60- 69.99	7.00	95.00	7.50	107.50	8.00	120.00	8.00
70- 79.99	8.50	93.50	9.00	106.00	9.50	118.50	9.50
80- 89.99	10.50	91.50	10.50	104.50	11.00	117.00	11.00
90- 99.99	12.00	90.00	12.50	102.50	13.00	115.00	13.00
100-109.99	13.50	88.50	14.00	101.00	14.50	113.50	14.50
110-119.99	15.50	86.50	16.00	99.00	16.50	111.50	16.50
120-129.99	17.00	85.00	17.50	97.50	18.00	110.00	18.00
130-139.99	18.50	83.50	19.00	96.00	19.50	108.50	19.50
140-149.99	20.00	82.00	20.50	94.50	21.00	107.00	21.00
150-169.99	21.50	80.50	22.00	93.00	22.50	105.50	22.50
170-189.99	24.50	77.50	25.00	90.00	25.50	102.50	25.50
190-209.99	27.50	74.50	28.00	87.00	28.50	99.50	28.50
210-229.99	30.50	71.50	31.00	84.00	31.50	96.50	31.50
230-249.99	33.50	68.50	34.00	81.00	34.50	93.50	34.50
250-269.99	36.50	65.50	37.00	78.00	37.50	90.50	37.50
270-289.99	39.50	62.50	40.00	75.00	40.50	87.50	40.50
290-309.99	42.50	59.50	43.00	72.00	43.50	84.50	43.50
310-329.99	45.50	56.50	46.00	69.00	46.50	81.50	46.50
330-359.99	48.50	53.50	49.00	66.00	49.50	78.50	49.50
360-389.99	53.00	49.00	53.50	61.50	54.00	74.00	54.00
390-419.99	57.50	44.50	58.00	57.00	58.50	69.50	58.50
420-449.99	62.00	40.00	62.50	52.50	63.00	65.00	63.00
450-479.99	66.50	35.50	67.00	48.00	67.50	60.50	67.50
480-509.99	71.00	31.00	71.50	43.50	72.00	56.00	72.00
510-539.99	75.50	28.50	76.00	39.00	76.50	51.50	76.50
540-569.99	80.00	22.00	80.50	34.50	81.00	47.00	81.00
570-599.99	84.50	17.50	85.00	30.00	85.50	42.50	85.50
600-629.99	86.00	16.00	89.50	25.50	90.00	38.00	90.00
630-659.99	1/		94.00	21.00	94.50	33.50	94.50
660-689.99			97.00	18.00	99.00	29.00	99.00
690-719.99				1/	103.50	24.50	103.50
720-749.99					108.00	20.00	108.00
750-779.99					1/		112.50
780-809.99							117.00
810-839.99							1/
840-869.99							126.00
							1/

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

2/ Semimonthly allotments for households in excess of 10 persons: For each additional person in excess of 10 add \$11 to the semimonthly coupon allotment for a 10-person household.

3/ Purchase requirements for households in excess of 10 persons: a) With adjusted monthly net income of \$869.99 or less, use the 10-person household purchase requirement. b) With adjusted monthly net income of \$870 or more use the following: For each \$30 of adjusted monthly net income (or portion thereof) over \$869.99 add \$4.50 to the purchase requirement for a 10-person household with an adjusted monthly net income of \$869.99. In no event may this amount exceed the following maximum purchase requirements: \$155 for 11 persons, \$144 for 12 persons, \$153 for 13 persons, etc., adding \$9 for each additional person over 13.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**63-505 FREQUENCY OF COUPON ISSUE (Continued)**

63-505

**State of California  
Health and Welfare Agency**

**Department of Benefit Payments  
July 1, 1974  
Table 4**

**FOOD STAMP PROGRAM  
QUARTER MONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Pure Nonassistance and Mixed Nonassistance Households Only										
Maximum Allowable Adjusted Monthly Net Income										
Household Size	1	2	3	4	5	6	7	8	9	10+
Adjusted Monthly Net Income	\$194	273	393	500	593	680	767	853	926	999

\*For Each Additional Person in Excess of 10 Add \$73.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**63-505 FREQUENCY OF COUPON ISSUE (Continued)****63-505**

**State of California  
Health and Welfare Agency**

**Department of Benefit Payments  
July 1, 1974  
Table 4**

**FOOD STAMP PROGRAM  
QUARTER-MONTHLY**

**COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS**

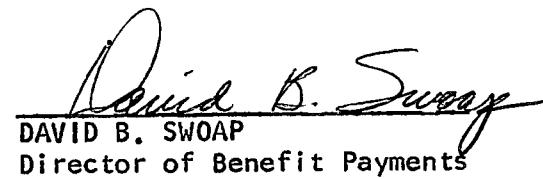
Household Size	6	7	8	9	10					
Coupon Allotment	\$51	\$58	\$64	\$70	\$75 2/					
Adjusted Monthly Net Income	Quarter-Monthly Purchase	Quarter-Monthly Purchase	Quarter-Monthly Purchase	Quarter-Monthly Purchase	Quarter-Monthly 3/ Purchase					
	Purchase	Bonus	Purchase	Bonus	Purchase	Bonus				
\$ 0- 19.99	\$ 0.00	\$51.00	\$ 0.00	\$58.00	\$ 0.00	\$70.00	\$ 0.00	\$75.00		
20- 29.99	0.00	51.00	0.00	58.00	0.00	70.00	0.00	75.00		
30- 39.99	1.25	49.75	1.25	56.75	1.25	62.75	1.25	68.75	1.25	73.75
40- 49.99	2.00	49.00	2.00	56.00	2.00	62.00	2.00	68.00	2.00	73.00
50- 59.99	2.75	48.25	3.00	55.00	3.00	61.00	3.00	67.00	3.00	72.00
60- 69.99	3.50	47.50	3.75	54.25	4.00	60.00	4.00	66.00	4.00	71.00
70- 79.99	4.25	46.75	4.50	53.50	4.75	59.25	4.75	65.25	4.75	70.25
80- 89.99	5.25	45.75	5.25	52.75	5.50	58.50	5.50	64.50	5.50	69.50
90- 99.99	6.00	45.00	6.25	51.75	6.50	57.50	6.50	63.50	6.50	68.50
100-109.99	6.75	44.25	7.00	51.00	7.25	56.75	7.25	62.75	7.25	67.75
110-119.99	7.75	43.25	8.00	50.00	8.25	55.75	8.25	61.75	8.25	66.75
120-129.99	8.50	42.50	8.75	49.25	9.00	55.00	9.00	61.00	9.00	66.00
130-139.99	9.25	41.75	9.50	48.50	9.75	54.25	9.75	60.25	9.75	65.25
140-149.99	10.00	41.00	10.25	47.75	10.50	53.50	10.50	59.50	10.50	64.50
150-169.99	10.75	40.25	11.00	47.00	11.25	52.75	11.25	58.75	11.25	63.75
170-189.99	12.25	38.75	12.50	45.50	12.75	51.25	12.75	57.25	12.75	62.25
190-209.99	13.75	37.25	14.00	44.00	14.25	49.75	14.25	55.75	14.25	60.75
210-229.99	15.25	35.75	15.50	42.50	15.75	48.25	15.75	54.25	15.75	59.25
230-249.99	16.75	34.25	17.00	41.00	17.25	46.75	17.25	52.75	17.25	57.75
250-269.99	18.25	32.75	18.50	39.50	18.75	45.25	18.75	51.25	18.75	56.25
270-289.99	19.75	31.25	20.00	38.00	20.25	43.75	20.25	49.75	20.25	54.75
290-309.99	21.25	29.75	21.50	36.50	21.75	42.25	21.75	48.25	21.75	53.25
310-329.99	22.75	28.25	23.00	35.00	23.25	40.75	23.25	46.75	23.25	51.75
330-359.99	24.25	26.75	24.50	33.50	24.75	39.25	24.75	45.25	24.75	50.25
360-389.99	26.50	24.50	26.75	31.25	27.00	37.00	27.00	43.00	27.00	48.00
390-419.99	28.75	22.25	29.00	29.00	29.25	34.75	29.25	40.75	29.25	45.75
420-449.99	31.00	20.00	31.25	26.75	31.50	32.50	31.50	38.50	31.50	43.50
450-479.99	33.25	17.75	33.50	24.50	33.75	30.25	33.75	36.25	33.75	41.25
480-509.99	35.50	15.50	35.75	22.25	36.00	23.00	36.00	34.00	36.00	39.00
510-539.99	37.75	13.25	38.00	20.00	38.25	25.75	38.25	31.75	38.25	36.75
540-569.99	40.00	11.00	40.25	17.75	40.50	23.50	40.50	29.50	40.50	34.50
570-599.99	42.25	8.75	42.50	15.50	42.75	21.25	42.75	27.25	42.75	32.25
600-629.99	43.00	8.00	44.75	13.25	45.00	19.00	45.00	25.00	45.00	30.00
630-659.99	1/		47.00	11.00	47.25	16.75	47.25	22.75	47.25	27.75
660-689.99			48.50	9.50	49.50	14.50	49.50	20.50	49.50	25.50
690-719.99			1/		51.75	12.25	51.75	18.25	51.75	23.25
720-749.99					54.00	10.00	54.00	16.00	54.00	21.00
750-779.99					1/		56.25	13.75	56.25	18.75
780-809.99							58.50	11.50	58.50	16.50
810-839.99							1/		60.75	14.25
840-869.99									63.00	12.00
								1/		

- 1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.
- 2/ Quarter-monthly allotments for households in excess of 10 persons: For each additional person in excess of .10 add \$.50 to the quarter-monthly coupon allotment for a 10-person household.
- 3/ Purchase requirements for households in excess of 10 persons: a) With adjusted monthly net income of \$869.99 or less, use the 10-person household purchase requirement. b) With adjusted monthly net income (or portion thereof) over \$869.99, add \$.25 to the purchase requirement for a 10 person household with an adjusted monthly net income of \$869.99. In no event may this amount exceed the following maximum purchase requirements: \$67.50 for 11 persons, \$72.00 for 12 persons, \$76.50 for 13 persons, etc., adding \$.450 for each additional person over 13.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

This regulation contains no mandate for a new program or increased level of service of an existing program within the meaning of Revenue and Taxation Code Section 2231(d).

  
David B. Swoap  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 1 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

JUL 1 1974

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: June 28, 1974

By: David B. Swagg

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

JUL 1 - 1974

At 11:00 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State  
By Margie R. Schaeffer  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Sections 44-305.13  
 44-323.11  
 44-323.112  
 44-323.4  
 44-323.5

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

**44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)**

**44-305**

**AFDC**

**.13 Child in Foster Home or Institution**

If a child is living in a foster home or institution, payment may be made to the foster home, the institution, the parent or other relative responsible for the child, the probation officer if the child is a ward or dependent child of the juvenile court, or a private child placing agency licensed under Welfare and Institutions Code Section 16000, Item (b) if the child is under the care of that agency. If the child is a parolee from the California Youth Authority for whom a parole agent signed the application, the warrant may be delivered to the care of the area office of the California Youth Authority.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

- .11 A child for whom a plan is developed pursuant to Section 30-309 and who meets the conditions set forth in Section 42-101.3 is eligible for payment of AFDC while in foster care if the foster family home or profit or non-profit private institution is licensed except that:

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

- .112 If the child is living in the home of his guardian or is committed by the court to the care, custody and control of some reputable person of good moral character who consents to such commitment, or to some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation, AFDC shall be paid subject to a determination by the Services

System in accordance with ~~as~~ Section 30-309 that the home or facility meets the physical, social and psychological needs of the child.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

- Upon a finding that these needs of the child are not met:
- a. The Services System shall provide protective services for the child living with his or her guardian, or
  - b. In the case of a child committed by the court, the Income Maintenance System shall notify the court that AFDC will be discontinued not later than three months after notification if the child is not removed to a home meeting these needs.

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

.4 Child Removed From His Home by Court Determination.41 Criteria for Federal Participation

DO NOT WRITE IN THIS SPACE

Federal participation in the cost of foster care payments is not excluded by reason of a removal of the child from the home of a relative pursuant to a judicial determination if the following conditions are met:

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

411 In the month during which the court proceedings are initiated:

- a. The child is receiving AFDC, or
- b. The child was living with and was removed from the home of a relative  specified in Section 44-213.21 (a., b. or c.) and would have received AFDC if an application had been made, or
- c. The child had been living with a relative  specified in Section 44-213.21 (a., b. or c.) within the six months prior to initiation of court proceedings, and the child would have received AFDC in or for such month in which court proceedings were initiated had the child still been living with (and removed from the home of) such relative, and had application been made for AFDC.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued) 44-323

AFDC

.412 The child is placed in a foster family care home  
or nonprofit private institution which is licensed or  
which meets the conditions specified in Section 44-323.1.

.413 The child is not residing in a public institution.

.414 A plan is developed for the child pursuant to Section 30-309.

.42 Criteria for State Participation

The criteria for federal participation in .41 above must be  
met in order for there to be state participation in the cost  
of the foster care payments except that state participation  
is also available to children placed in a private institution  
that is licensed or meets the conditions specified in  
Section 44-323.1 regardless of whether the private institution  
is a profit or nonprofit institution.

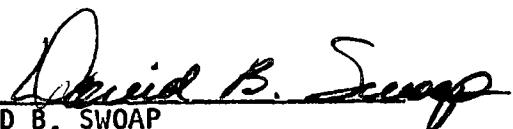
.5 Child Removed From His Home Other Than By Court Determination

There is state participation for a child in foster care who does not  
meet the requirements for federal eligibility outlined in 44-323.41,  
but meets the conditions of 44-323.1 and is otherwise eligible for  
AFDC.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
**FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations merely clarify existing State statutes and affirm for the State that which has been declared existing law or regulation through action by the Federal Government.

  
DAVID B. SWOAP  
Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 18 1974

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING  
 Gov. Code 11380.2)

JUL 18 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: JULY 18, 1974

By: David B. Swartz

Director

(Title)

**FILED**

In the office of the Secretary of State  
 of the State of California

JUL 18 1974

AM 1:30 o'clock P. M.  
 EDMUND G. BROWN, Jr., Secretary of State  
 By Margie R. Hershberger  
 Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Sections 44-305.13  
 44-323.11  
 44-323.112  
 44.323.14  
 44.323.4

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)**

**44-305**

**AFDC**

**.13 Child in Foster Home or Institution**

If a child is living in a foster home or institution, payment may be made to the foster home, the institution, the parent or other relative responsible for the child, the probation officer if the child is a ward or dependent child of the juvenile court, or a private child placing agency licensed under Welfare and Institutions Code Section 16000, Item (b) if the child is under the care of that agency. If the child is a parolee from the California Youth Authority for whom a parole agent signed the application, the warrant may be delivered to the care of the area office of the California Youth Authority.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

- .11 A child for whom a plan is developed pursuant to Section 30-309 and who meets the conditions set forth in Section 42-101.3 is eligible for payment of AFDC while in foster care if the foster family home or profit or non-profit private institution is licensed except that:

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

- .112 If the child is living in the home of his guardian or is committed by the court to the care, custody and control of some reputable person of good moral character who consents to such commitment, or to some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation, AFDC shall be paid subject to a determination by the Services System in accordance with Section 30-309 that the home or facility meets the physical, social and psychological needs of the child.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC Upon a finding by the Services System that these needs of the child are not met:

a. Protective Services as provided by Chapter 30-100 will apply to the child or

b. In the case of a child committed by the court, the Income Maintenance System shall notify the court that AFDC will be discontinued not later than three months after notification if the child is not removed to a home meeting these needs.

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

.14 A child is not eligible for AFDC payments while in a public institution.

DO NOT WRITE IN THIS SPACE

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

.4 Criteria for Federal Eligibility

A child removed from his home pursuant to any judicial determination that results in his placement in foster care is federally eligible for AFDC-BHI if the requirements of .41 through .45 also are met:

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

**AFDC**

.41 In the month during which the court proceedings are initiated:

- a. The child is receiving AFDC, or
- b. The child was living with and was removed from the home of a relative [ ] specified in Section 44-213.21 (a., b. or c.) and would have received AFDC if an application had been made, or
- c. The child had been living with a relative [ ] specified in Section 44-213.21 (a., b. or c.) within the six months prior to initiation of court proceedings, and the child would have received AFDC in or for such month in which court proceedings were initiated had the child still been living with (and removed from the home of) such relative, and had application been made for AFDC.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-323

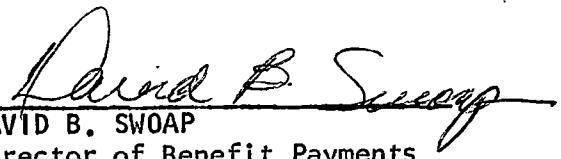
PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

- AFDC .42 The child is placed in a foster family care home or nonprofit private institution which is licensed or which meets the conditions specified in Section 44-323.1.
- .43 a. The court order designates the county welfare department responsible for the placement, care and supervision of the child, or
- b. The court order designates the probation office responsible for placement, care and supervision and there is a written agreement between the county welfare department and the probation office (see Section 29-405) that these services will be performed by the probation office.
- .44 The child is not residing in a public institution.
- .45 A plan as required by Section 30-309 is developed for the child.

DO NOT WRITE IN THIS SPACE

There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations merely clarify existing State statutes and affirm for the State that which has been declared existing law or regulation through action by the Federal Government.



DAVID B. SWOAP  
Director of Benefit Payments

## FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS  
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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

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APPROVED FOR FILING  
(Gov. Code 11380.2)

JUL 18 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: July 18, 1974By: David B. Swagg

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUL 18 1974

At 1:30 o'clock P.M.  
EDMUND G. BROWN, Jr., Secretary of State  
By Margie Ritterberger  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Repeal: Sections 10-505  
40-127  
40-157.1

Renumber: Sections 40-157.1 from former 40-157.2  
40-157.2 from former 40-157.3  
40-157.3 from former 40-157.4

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**40-157 PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY**

40-157

**AFDC**

**APSB**

DO NOT WRITE IN THIS SPACE

**.1 Principles of Gathering Evidence**

- .11** All information secured in the process of determining eligibility shall be evaluated in light of its internal consistency.
- .12** Each piece of evidence shall be evaluated in light of the motives and adequacy of knowledge of the person completing the record or document or making the statement.
- .13** Evidence shall be evaluated qualitatively rather than quantitatively.
- .14** When evidence is conflicting, inconsistent or incomplete, the investigation shall be pursued to the point that the preponderance of evidence supports the determination regarding the applicant's eligibility.
- .15** The State Department of Health evaluates all examination reports made to determine the degree of blindness in APSB \_\_\_\_\_ unless this is not required under circumstances specified in Chapter 41-300.

**AFDC**

**APSB**

**.2 Methods of Gathering Evidence**

- .21** The gathering of evidence necessary to make an eligibility determination of an applicant is a joint responsibility of the applicant and the county.
- .211** The county shall inform the applicant what evidence is desired, why it is needed and how it will be used.
- .212** The applicant shall cooperate with the county in the evidence gathering process to the fullest extent possible.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-157 PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY

40-157

(Continued)

AFDCAPSB

.213 When it is not possible for the applicant to obtain necessary evidence, the county shall obtain it for him.

.22 When needed in the evidence gathering process, and as evidence of the applicant's consent thereto, a specific consent form, signed by the applicant and, if necessary, by his spouse (by both parents in AFDC when this is possible) shall be obtained for each such contact. The consent form should cover the purpose of the specific contact as well as the individual or agency to be consulted. Form 228, Applicant's Authorization for Release of Information, may be used for this purpose. A signed consent form is not required when public records are used.

DO NOT WRITE IN THIS SPACE

AFDC.3 Participation by the ApplicantAPSB

If the applicant is able to assist in resolving incomplete, unclear or inconsistent statements on his Form WR 2 or is able to assist in the evidence gathering process but refuses to do either or both, the application shall be denied.

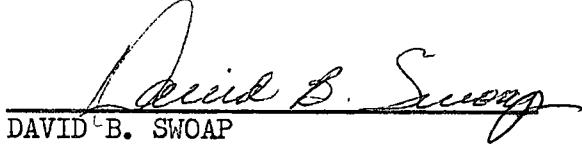
**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective on the thirtieth day after the order is filed with the Secretary of State:

Sections:	10-505	SIMPLIFIED ELIGIBILITY METHOD
	40-127	THE SIMPLIFIED ELIGIBILITY METHOD
	40-157.1	Simplified Eligibility Method

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to these regulations because the duties, obligations or responsibilities imposed on local government by these regulations are minor in nature and will not cause any financial burden on local government.

  
DAVID B. SWOAP  
Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

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JUL 18 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

JUL 18 1974

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: JULY 14, 1974By: David P. Swoap

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

JUL 18 1974

At 1:30 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By Meripie R. Hershberger

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Sections 40-103.4  
40-117.234  
40-117.235  
40-119  
40-121

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-103 DEFINITIONS AND DESIGNATIONS – GENERAL (Continued)

40-103

.4 Applications for Aid

AFDC  
MN  
APSB

A written application on the appropriate prescribed form is a request for aid made to the county welfare department, either by the applicant or on his behalf. Applications are as follows:

- .41 New — The applicant has not previously applied for the same aid in the same county.
- .42 Restoration — The applicant was a recipient of the same category of aid in the same county and his grant has been discontinued for 12 months or less at the time of the current application.
- .43 Reapplication
- .431 The applicant's previous application for the same aid in the same county was withdrawn or denied, or
- .432 The applicant is a former recipient of the same aid in the same county whose grant has been discontinued for more than 12 months at the time of the current application.
- .44 Appropriate Action on an Application — Appropriate action on an application includes authorization of a cash grant and certification for medical assistance to persons determined to be eligible; certification as a medically needy person or family eligible for medical assistance, or such other disposition as is indicated by the investigation, i.e., denial, cancellation, etc. (See Section 40-171.)

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**40-117 WHO MAY APPLY (Continued)**

40-117

AFDC
MN

- 234 The Family or Child Absent from the State - A request for aid is recorded as a written application on the appropriate prescribed form only if the continued absence of such family or child is beyond their control.
- 235 The Family or Child for Whom the Parent or Relative is Unavailable or Unable to Apply - A written application on the appropriate prescribed form may be made on behalf of a family or child or by other than the parent or relative when:
- The request is made by a guardian.
  - The request is made with the knowledge and consent of the parent or relative, and made by the person closest to the family or child who has knowledge of the needs of the family or child and knows of the desire of the family to apply.
  - The request is made by the person or agency which placed the child in a boarding home or institution.
  - The request is made by the representative of a public agency.

DO NOT WRITE IN THIS SPACE

AFDC
MN
APSB

**40-119 HOW AND WHERE APPLICATION IS MADE**

40-119

Application is accepted if made in writing on the appropriate prescribed form by the applicant \_\_\_\_\_ to the county in which the applicant lives. If he is physically present in another county, the request for aid may be made to such other county but is forwarded to the county in which the applicant lives where it is recorded as an application. (See Sections 40-117 and 40-125.)

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

AFDC  
MN  
APSB

**40-121 COMPLETING THE APPLICATION**

40-121

**.1 Date of Application**

The date of the application for aid is the date on which the written application for aid is received by the \_\_\_\_\_ county.

**.2 Recording the Application**

The application shall be recorded at the time the applicant, or someone properly acting on his behalf first requests aid as provided in Section 40-119. Exceptions to this requirement are:

- .21 When an application or request for restoration has been denied and corrective action is to be taken, aid is then granted on the same application or request for restoration which was previously denied. (See Regulations regarding denial actions subject to correction, Aid Payment Chapter.)
- .22 When granting of aid is ordered by SDBP following a fair hearing.
- .23 When aid is restored under W&IC Section 12056 (see Section 40-171).

DO NOT WRITE IN THIS SPACE

**.3 The Application Form**

The application is recorded on the Form WR 1. A copy of the completed application shall be given to the applicant at the time he applies. Application Form WR 1 shall not be required for:

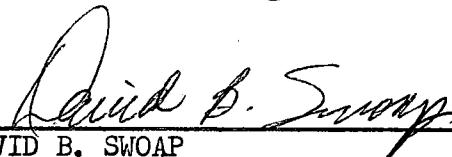
- .31 A request for restoration of aid.
- .32 Any application (new, restoration, or reapplication) that is also an intraprogram status change or interprogram transfer. (See Sections 40-183 and 40-185.)
- .33 Any intercounty transfer. (See Section 40-187.)
- .34 A request to add a child including the unborn child, to the Family Budget Unit in AFDC.

These requests shall be recorded in the case record when received and shall be acted upon promptly. Aid for additional children shall be authorized promptly upon completion of the evaluation of the child's eligibility. The child's name is recorded on the next affirmation.

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this regulation because the duties, obligations or responsibilities imposed on local government by this regulation are minor in nature and will not cause any financial burden on local government.

  
DAVID B. SWOAP  
Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 18 1974

Office of Administrative Hearings

**ENDORSED**APPROVED FOR FILING  
(Gov. Code 11380.2)

JUL 18 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: July 18, 1974By: David S. Swanson

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

JUL 18 1974

At 1:30 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By Margie R. Keshner

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Sections 40-126.1  
40-126.2  
40-126.23

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**40-126 PROMPTNESS REQUIREMENT**

**40-126**

- .1 The determination of eligibility including the gathering of any necessary evidence shall be completed and appropriate action on the application taken as rapidly as possible and within not more than 45 calendar days

APSB \_\_\_\_\_ starting with the first day after the filing of the application. "Appropriate action" means the mailing of either an aid payment or a notice of denial (see Section 40-173). In APSB the determination of eligibility with respect to factors other than blindness or disability shall proceed concurrently with the determination of blindness or disability.

- .2 Inability to complete the determination of eligibility within the 45-day period \_\_\_\_\_ shall not be a basis for denying the application unless the delay is caused by the refusal of the applicant to participate in the gathering of evidence in accordance with Section 40-157.4. (See Section 40-171.12.) The specified time limit may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances beyond the control of the agency, in which instances the case record shows the cause for delay. These instances include:

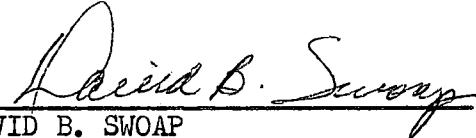
- .21 Inability on the part of the recipient to provide necessary clarification.
- .22 Failure or delay on the part of an examining physician to provide all needed information.
- .23 Application is made prior to the date on which the applicant meets the eligibility requirements and the 45-day period \_\_\_\_\_ terminates before the applicant meets such requirements. (See Section 40-171 regarding application held pending eligibility.)

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this regulation because the duties, obligations or responsibilities imposed on local government by this regulation are minor and will not cause any financial burden on local government.

  
DAVID B. SWOAP  
Director of Benefit Payments

DO NOT WRITE IN THIS SPACE

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

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JUL 26 1974

Office of Administrative Hearings

~~ENDORSED~~COVED FOR FILING  
v. Code 11380.2)

JUL 26 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Benefit PaymentsDated: 7/26/74 (Agency)By: David B. SwaggDirector

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

JUL 26 1974

At 2:00 o'clock P. M.

EDMUND G. BROWN, JR., Secretary of State

By Monica M. Boswell

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

**FINDING OF EMERGENCY**

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Amend: Sections 44-331.11  
44-333.12  
44-333.13  
44-333.16

Add: Section 44-331.13

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On June 21, 1974 the Department of Health, Education and Welfare adopted emergency regulations revising its requirements regarding recoupment of overpayments made to welfare recipients.
2. By letter dated July 10, 1974 the state was advised by the Department of Health, Education and Welfare that formal amendments to the state plan in effect pursuant to Title IV of the Social Security Act would be required by July 26, 1974 to the extent that such amendments were necessitated by their revised regulations.
3. In order to implement the requirements of the Department of Health, Education and Welfare's revised regulations in a timely manner and to maintain conformity with federal requirements, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-331 ACTION ON UNDERPAYMENTS

44-331

AFDC  
APSB

Underpayment may be subject to adjustment by balancing against overpayment, or by payment of retroactive aid or both. The circumstances that determine whether issuance of retroactive aid is appropriate are set forth in the following subsections:

**1. Adjustment by County Administrative Action Authorizing Retroactive Aid**

Underpayment which is not balanced against overpayment as provided in Section 44-335 below is adjusted by administrative action authorizing payment of retroactive aid under the circumstances prescribed below and within the time limits specified.

**.11 Underpayment Resulting from an Administrative Error or Inadvertence  
(See Section 44-329.12 above)**

Underpayment (including underpayment resulting from denial or discontinuance due to administrative error or inadvertence) shall be adjusted by payment of aid equal to the full amount of the underpayment which occurred during the 12 months preceding the month in which the underpayment is discovered except as provided in Sections 44-333.17 and 44-335.21.

44-331 ACTION ON UNDERPAYMENTS

44-331

AFDC  
APSB

**.13 For purposes of determining continued eligibility and amount of assistance, retroactive corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month.**

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-331 ACTION ON UNDERPAYMENTS

44-331

AFDC  
APSB

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44-331

AFDC  
APSB

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL

44-333

AFDC .12 Overpayment Recoupment  
APSB

"Overpayment recoupment" is the liquidation of an overpayment by the reduction of an aid payment to an otherwise eligible recipient.

- .121 Where the over payment was caused by the recipient's willful withholding of information, such overpayment may be recouped from current assistance grants irrespective of current income or resources, except that the proportion of current assistance payments which may be reduced shall be limited so as not to cause undue hardship on recipients. In no event shall the grant to a needy child be reduced unless the parents or other responsible persons have sufficient available resources or income to meet the current needs of the needy child according to the department standard during the period of reduction.
- .122 Where the overpayment was not caused by the recipient's willful withholding of information, no recoupment shall be effected unless the recipient has income or resources currently available in the amount by which it is proposed to reduce the grant payment or payments.
- .123 Where the overpayment was not caused by the recipient's willful withholding of information, recoupment shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-333      OVERPAYMENTS - GENERAL

44-333

AFDCAPSB .13 Recoupment Period

The "recoupment period" is the period during which overpayment recoupments may be made.

.131 Where the overpayment was caused by the recipient's willful withholding of information, the maximum adjustment period is one year following the month of discovery of the overpayment or one year following the date of the fair hearing decision on the propriety of the overpayment adjustment, if any.

.132 Where the overpayment was not caused by the recipient's willful withholding of information and the recipient has made a full and complete disclosure in accordance with his reporting responsibilities, the maximum adjustment period is six months following the month of the overpayment, or, six months following the date of the fair hearing decision on the propriety of the overpayment adjustment, if any.

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**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-333 OVERPAYMENTS - GENERAL (Continued)**

**44-333**

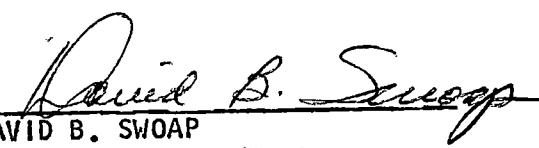
**AFDC  
APSB**

**16 Responsibility for Reporting Not Met:**

A recipient has failed to meet his responsibility for reporting if:

- .161 He has willfully made misstatements (either oral or written) in response to oral or written questions from the county concerning his income, resources or other circumstances which may affect the grant amount, or
- .162 He has willfully failed to report changes in income, resources or other circumstances which may affect the amount of grant, or
- .163 He has willfully failed to report receipt of a grant payment which he knew represented an erroneous overpayment.

There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations merely implement requirements included in regulations adopted by HEW.

  
**DAVID B. SWOAP**  
 Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 31 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

JUL 31 1974

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Benefit Payments

(Agency)

Dated: July 31, 1974

By: David B. Swoap

Director

(Title)

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 31 1974

At 2:05 P. M.  
EDMUND B. BROWN, Jr., State  
By Monica M. Basuto  
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Repeal: Section 44-323.5 Child Removed from his Home Other than by Court Determination

There are no state mandated local costs in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations merely clarify existing State statutes and affirm for the State that which has been declared existing law or regulation through action by the Federal Government.

DO NOT WRITE IN THIS SPACE

DAVID B. SWOAP  
Director of Benefit Payments

## DEPARTMENT OF SOCIAL SECURITY BENEFIT PAYMENTS

744 P STREET  
SACRAMENTO 95814



August 19, 1974

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 20 1974  
At 8:50 o'clock a.m.  
EDMUND G. BROWN Jr., Secretary of State  
By *Margie R. Kershner*  
Deputy Secretary of State

## Certificate of Compliance - Section 11422.1 Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on April 23, 1974, given notice of the adoption thereof and affords interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By *David B. Sweap*  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

AUG 20 1974

Office of Administrative Hearings

## DEPARTMENT OF SOCIAL WELFARE BENEFIT PAYMENTS

744 P STREET  
SACRAMENTO 95814

August 20, 1974

**FILED**  
in the office of the Secretary of State  
of the State of California

AUG 21 1974  
At 11:00 o'clock a.m.  
EDMUND G. BROWN, Jr., Secretary of State  
By *Meipie R. Kershner*  
Deputy Secretary of State

## Certificate of Compliance - Section 11422.1 Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on April 26, 1974, given notice of the adoption thereof and affords interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

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12/1/1974

By *David B. Swoap*  
DAVID B. SWOAP, Director

Office of Administrative Hearings

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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DAWSON

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

1974

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

**Benefit Payments**

(Agency)

Dated: August 21, 1974

By:

*David B. Sweeney*

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

AUG 22 1974

At 11:30 o'clock ... M.

EDMUND G. BROWN, Jr., Secretary of State

By *Margie R. Hershberger*

Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the 30th day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Section 44-113.231

**DO NOT WRITE IN THIS SPACE**

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

APSB .23 Work-Related Expenses — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) In accordance with Section 44-103, the applicant or recipient employee shall always claim one exemption for himself for income tax purposes. He shall also take all necessary action to claim any additional number of dependents that can reasonably be judged allowable on the basis of providing over 50% of their annual support.

(2) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

This regulation contains no mandate for a new program or increased level of service of an existing program within the meaning of Revenue and Taxation Code Section 2231(d).



DAVID B. SWOAP  
Director of Benefit Payments

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**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

SEP 26 1974

Office of Administrative Hearings

**ENDORSED**

APPROVED FOR FILING  
(Gov. Code 11380.2)

SEP 26 1974

Office of Administrative Hearings

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: Sept. 24, 1974

By:

David B. Sussay

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

SEP 26 1974

At 11:35 o'clock A.M.

EDMUND G. BROWN, Jr., Secretary of State

By Marjorie R. Shushberger

Deputy Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on the thirtieth day after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Section 41-450.1

**DO NOT WRITE IN THIS SPACE**

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

41-450      CONTINUED ABSENCE OF A PARENT

41-450

A FDC.1 Definition of "Continued Absence"

"Continued absence" exists when the natural parent is physically absent from the home and the nature of the absence constitutes dissociation; that is, a substantial severance of marital and family ties which deprives the child of at least one of its natural parents.

A substantial severance of marital and family ties means that the absence is accompanied by a definite interruption of or marked reduction in marital and family responsibilities compared to previously existing conditions.

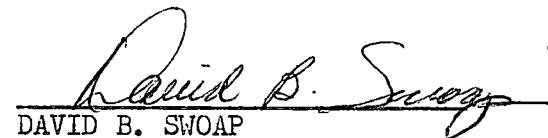
"Continued absence" does not exist:

- .11 When one parent is physically absent from the home on a temporary basis. Examples are visits, trips or temporary assignments undertaken in connection with current or prospective employment.

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DO

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation implements a mandate included in a judgment of the First District Court of Appeals of the State of California in the case of Hypolite v. Carleson.

  
DAVID B. SWOAP  
Director of Benefit Payments

## DEPARTMENT OF SOCIAL/WELFARE BENEFIT PAYMENTS

744 P STREET  
SACRAMENTO 95814

October 11, 1974



FILED

In the office of the Secretary of State  
of the State of California

OCT 11 1974

At 9:40 o'clock a.m.

EDMUND G. BROWN, Jr., Secretary of State  
By Marjorie R. Kirschner

Deputy Secretary of State

## CERTIFICATE OF COMPLIANCE—Section 11422.1, Gov. Code.

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on June 17, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit PaymentsBy David B. Swoap  
DAVID B. SWOAP, Director

RECEIVED FOR FILING

OCT 11 1974

Office of Administrative Hearings

**DEPARTMENT OF SOCIAL WELFARE BENEFIT PAYMENTS**744 P STREET  
SACRAMENTO 95814

October 23, 1974

**CERTIFICATE OF COMPLIANCE--Section 11422.1, Gov. Code..**

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on June 21, 1974, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit PaymentsBy David B. Soap  
DAVID B. SOAP, Director**FILED**In the office of the Secretary of State  
of the State of California

OCT 24 1974  
At 12:15 o'clock P.M.  
EDMUND G. BROWN, Secretary of State  
By Margie R. Keshberger  
Deputy Secretary of State

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OCT 24 1974

Office of Administrative Hearings